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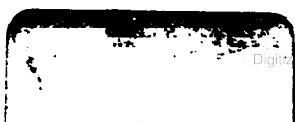
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ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE

FIRST SESSION

OF THE

TWENTY-EIGHTH GENERAL ASSEMBLY,

FOR THE YEARS

1849-50.

PUBLISHED BY AUTHORITY.

NASHVILLE:
M'KENNIE & WATTERSON, PRINTERS TO THE STATE.

1850.

L 3785

MAY 4 1931

YRABU 0907

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ACTS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE TWENTY-EIGHTH GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE, ON MONDAY, THE FOURTH DAY OF OCTOBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE.

CHAPTER I.

An Act to prescribe the time of holding elections in the county of De Kalb.

Whereas, Doubts have arisen as to the time when elections for county officers, in the county of DeKalb should be held—for remedy whereof—

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all elections in said county of De Kalb, shall hereafter be held as in other counties of this State, according to the provisions of the act of 1835, chapters one and two.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage.

SEC. 3. *Be it enacted*, That the present officers of said county, shall hold their offices until their successors are elected and qualified, according to the provisions of this act.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed December 8, 1849.

CHAPTER II.

An Act to authorize the establishment of the Nashville Gas-Light Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Company, to be entitled the "Nashville Gas-Light Company," shall be and the same is hereby established, with a capital of one hundred thousand dollars—which may be increased to two hundred thousand dollars, in the discretion of the Stockholders, and as the wants of the city may require. That the Stock of said Company shall be divided into shares of fifty dollars each, to be subscribed for and paid as the Commissioners hereinafter named may prescribe, and the subscribers, their successors or assigns, shall be, and they are hereby created a body politic and corporate, by the name and style of the "Nashville Gas-Light Company," and shall so continue as long as the terms of this charter are fulfilled, and, under such name and title, they shall be capable to contract and be contracted with, sue and be sued, as natural persons—and they may have and use a common seal, and change, alter, or renew the same at pleasure, and may ordain and put in execution such by-laws, rules, and regulations for the good management and control of the affairs of said Company as may be deemed expedient, not inconsistent with the Constitution and laws of this State and of the United States; *Provided*, The Board of Mayor and Aldermen of the City of Nashville shall assent to the privileges herein granted, so far as those privileges affect the rights, interests, or privileges of the city, or to any part of said privileges, so as to make a compact between the city and the company mutually satisfactory, which compact shall be entered upon the minutes of the City Municipal Board, and be binding upon the City and the Company, but shall in no event increase or enlarge the privileges herein granted to said Gas-Light Company.

SEC. 2. The business of said Company shall be to establish and construct Gas Works in the City of Nashville, and they may purchase and hold as much real estate as may be necessary and expedient for said business, and to secure any debt that may be due them.

SEC. 3. It shall be the duty of said Company, to establish, within three years from the 1st day of January, 1850, a Gas Manufactory within the City of Nashville, of sufficient capacity to supply its corporate authorities and inhabitants with such public and private Gas-Lights as may be required.

Capital stock.

Powers.

Corporation of
Nashville to as-
sent.

May hold real es-
tate.

Time of comple-
tion.

SEC. 4. To enable said Company to establish such works, they are hereby authorized and empowered to lay down pipes and extend conductors and other apparatus through all or any of the streets, lanes, or alleys of the City of Nashville, in such manner as to produce the least possible inconvenience to the city or its inhabitants or to travellers, and to take up the pavements or side walks; *Provided*, They shall afterwards repair the same with the least possible delay. May lay down pipes.

SEC. 5. The said Company shall have the privilege of erecting, establishing and constructing Gas Works, and manufacturing and vending Gas in the city of Nashville, by means of public works, for the term of fifty years from and after the date of this act. A reasonable price per thousand feet for Gas shall be charged in the case of private individuals, to be regulated by the prices in other South-western cities; and for public lights such sum as may be agreed upon by the Company and the public authorities of Nashville; *Provided*, Said Company shall never charge more than one cent for every cubic foot of gas used, as may be indicated by the gasmeter, or computed by the ordinary rules in such cases; nor shall they ever charge the Corporation of the City of Nashville more per cubic foot than they shall be getting at the same time from a majority of the inhabitants of the city using such gas. Charter for fifty years.
Price of gas.

SEC. 6. The works and operations of said company shall be so constructed and managed, that no annoyance shall accrue therefrom to the health or comfort of the inhabitants of Nashville; and nothing in this act shall be so construed as to absolve the company, their agents or officers from any legal proceedings to restrain or abate any nuisance arising from such works or operations. Not to create annoyance or nuisance.

SEC. 7. If any person or persons shall injure or destroy any portion of the gas fixtures, or other property belonging to said company, or shall wilfully open a communication into the street, or other gas pipes, or let on gas after it has been stopped by the company, such person or persons shall be liable for all damages sustained by such proceeding, and also to a penalty not exceeding five hundred dollars, upon conviction by the proper authorities. Penalty for injuring works.

SEC. 8. That Washington Barrow, John Kirkman, Samuel R. Anderson, N. E. Alloway, and Wm. T. Berry, or a majority of them, shall be commissioners to open books for the subscription of stock, which shall be kept open until they may deem that a sufficient amount has been subscribed. They shall then, by ad- Commissioners.

vertisement in the newspapers, give at least thirty days notice to the stockholders, to hold a meeting for the election of a board of seven directors, to whom shall be entrusted the management of the affairs of the company, and who shall elect a president from their own number.

Elections of
Board.

SEC. 9. The election of president and directors shall be annual, and they shall fill any vacancy that may occur in their board; the said election to be held at the office of the company, at such time as the stockholders may appoint:

To enable any person to act as a member of the board of directors or president, he must be the owner of ten shares of stock, and be a citizen of this State:

For each and every share of stock he may hold, each stockholder shall be entitled to one vote, which may be given by proxy, in the election of the board of directors.

Stock may be transferred on the books of the company, at any time previous to one month before the election.

Corporation of
Nashville may
buy.

SEC. 10. That if, after the expiration of twenty years, from and after the first day of January, 1850, the Corporation of Nashville should at any time resolve to purchase said Gas Works from the said Gas-Light Company, which they hereby shall have a right to do, the price shall be fixed by arbitrators, one or more to be chosen by the President and Directors of the Company, and an equal number by the Board of Mayor and Aldermen of the city. Said arbitrators shall not be stockholders in said Company, nor members of said Municipal board. They shall take into consideration the value of said gas works, and the lands, buildings, utensils, rights and interests, and everything thereunto appertaining; and if they agree, and so report in writing, their award shall be binding on the parties; but if they should not agree, then the said arbitrators shall select some creditable and disinterested person as umpire between them, whose decision and award, in writing, reported to the parties above, shall be binding and conclusive, any law to the contrary notwithstanding.

Offences a mis-
demeanor.

SEC. 11. If any person or persons shall commit any of the offences enumerated in the 7th section, he, she, or they, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as in other cases of misdemeanor.

Stock—when and
how paid.

SEC. 12. The Stock of said Company shall all be paid in, within three years from the organization thereof, in such proportions or instalments, and at such times

and places, as may be required by the directory; and any stockholder failing to pay such instalment, shall, at the discretion of the directory, forfeit to the Company all right, title and interest in, and to, every share on account of which such default may have been made; or the directory, at their option, may cause suit to be instituted against such defaulting stockholder, for the amount due on such forfeited share. And in the event of a forfeiture, the shareholder so forfeiting, shall still be held individually and personally liable to the creditors of such Company, who were creditors at the time of the forfeiture, to the full amount unpaid of each share of stock so forfeited, and the directors may dispose of the forfeited shares at their discretion. The Company shall not, at any time, by releasing stockholders, from the payment of their shares, or any part thereof, nor by any other means, discharge such stockholder from his liability to the creditors of said Company, to the extent of any balance due, or to become due, on account of unpaid stocks.

LANDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed, Nov. 21, 1849.

CHAPTER III.

An Act to attach the 141st Regiment of Tennessee militia in the county of DeKalb to the 8th Brigade.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed November 8th, 1843, chapter 10, attaching the 141st Regiment of Tennessee Militia, in the county of DeKalb, to the 9th Brigade, and an act passed 31st of January, 1846, chapter 205, be, and the same is hereby repealed.

SEC. 2. *Be it enacted*, That the 141st Regiment of Tennessee Militia, in the county of DeKalb, be attached to the 8th Brigade.

LANDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed October 24, 1849.

CHAPTER IV.

An Act to incorporate the Deluge Fire Company (No. 3,) in the City of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Deluge Fire Company, (No. 3,) in the City of Nashville, is hereby incorporated by the name aforesaid, with power to continue its organization, with power to establish a library, to acquire and hold a house and lot for the convenient transaction of its business; to sell and convey the same and reinvest the money as they may desire, and with power to have and use in their business a common seal.

SEC. 2. *Be it enacted*, That the said company shall consist of not more than one hundred members, and that the members of said company shall be exempt from serving on juries, and from all military duty.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, November 5, 1849.

CHAPTER V.

An Act to amend the act of 1848, ch. 121, entitled "an act to pay the expenses of a guard for the apprehension of fugitives from justice, and other purposes.

Be it enacted by the General Assembly of the State of Tennessee, That said act shall be construed to authorize the Governor to allow to any agent appointed by him under said act, a reasonable compensation for the services of said agent and the guards necessarily employed by said agent, in addition to all necessary expenses accruing in the performance of such service; and that this act shall apply to all cases arising, or which may have arisen under the said act of 1848, in which said agent or guards have been so employed.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed November 8, 1849.

CHAPTER VI.

An act to amend and continue in force the charter of the City Hotel Company in the City of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act chartering the City Hotel Company in the City of Nashville, dated the 12th December, 1831, be, and the same is hereby continued in force for the additional term of twenty years from and after the 12th day of December, 1851.

SEC. 2. That the stockholders in said company be, and they are hereby authorized, to sell and convey the City Hotel property, in part or in whole, by their directors, or by a committee to be appointed by them; *Provided*, The stockholders shall so direct by a majority of all the votes to which they may be entitled, and that they, the said stockholders, shall have power to fix the terms, and time or times of payment for said property, whether sold in part or in whole, and also to fix the minimum price on the same.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, December 10, 1849.

CHAPTER VII.

An Act to incorporate into one act the several acts incorporating the City of Memphis and the town of South Memphis, passed January 6th, 1846, and January 21st, 1848; and to unite the said towns into one, and extend the boundaries thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all that district of country ^{Boundaries,} contained within the following limits; to wit: Beginning at a point in the middle of the Mississippi river, due west of the point where the Bayou Gayoso strikes Wolf river; thence due east to that point on Wolf river; thence with the northern bank of the Bayou Gayoso to the point where Auction street, extended, crosses the same; thence with the Raleigh road to the avenue east of the town reserve; thence south with the east line of said avenue until the same strikes the east line of the South Memphis tract of land,

thence with the east line of said tract to its south-east corner; thence west with the south line of the South Memphis tract to the east line of the Butler tract; thence to its south east corner; thence west with the south line of said tract to the centre of the Mississippi river; thence with the meanders of said river to the beginning point, (excluding the Navy Yard) is hereby united into one city, by the name of the CITY OF MEMPHIS.

Powers of Corporation.

SEC. 2. The inhabitants of said City of Memphis, as above laid out and extended, are hereby constituted one corporation and body politic, by the name and style of the Mayor and Aldermen of the City of Memphis; and by that name they shall have succession for 99 years;—may sue and be sued in all courts of law and equity; may purchase, receive and hold property, real and personal, within said city for Public Schools, for Market Houses, Public Squares, Streets, Alleys, Wharves, Prisons, Work-houses, Water-works, and Gas-works; and may sell, lease, rent and dispose of the same for the use and benefit of the city; may purchase, receive and hold property beyond the limits of the city for the burial of the dead, the erection of water-works, the establishment of magazines, poor-houses, work-houses, or houses of correction; and may sell, lease, rent and dispose of the same for the use and benefit of the city; and they may do all other acts touching the same, as natural persons; and may have a common seal.

Wards.

SEC. 3. The City Council first elected under this Charter, shall consist of a Board of twenty-four Aldermen, two of whom shall be elected from each ward of the City of Memphis, and two from each ward of South Memphis, as laid off under their present respective Charters; two from that district of country lying east and south of the present incorporated limits of South Memphis, and two from that district of country east of Bayou Gayoso and north of Union street, as embraced within this Charter.

Qualifications and power of Mayor.

SEC. 4. The Mayor shall be elected by the qualified voters of the city, and shall hold his office until the election and qualification of his successor; no person shall be qualified as Mayor who is not at the time of his election a citizen of the United States and of the State of Tennessee; nor unless he shall have been a *bona fide* resident of the city for two years next preceding his election, and the owner in *fee simple* of unencumbered real estate within this city, of the cash value of one Thousand Dollars for twelve months next preceding

his election—evidenced by deed of conveyance, of record in the Register's office of Shelby county, or by will or inheritance. He shall recommend to the Board of Aldermen, from time to time, such measures as he may deem essential for the public interest; shall call special meetings of the council, when he may deem it necessary; shall see that all laws and ordinances passed by the council and approved by himself, be faithfully and diligently executed; shall have the power to veto any law passed by the council, which law shall not go into effect without his signature, unless again passed by two-thirds of the Board of Aldermen, or unless he fail to return it to the Board with his objections in writing, within ten days after its first passage; in either of which events it shall be as operating and binding as if it had his official signature. If after his election, and during his term of office, he shall remove from the limits of the city; or cease to hold real estate as aforesaid, his office shall thereby be vacated.

Sec. 5. No person shall be an Alderman unless he be a citizen of the United States and of the State of Tennessee, and shall have been a *bona fide* resident of the city twelve months, and of the ward for which he is elected six months next preceding his election, and an unencumbered *fee simple* owner, six months previous to, and at the time of his election, of real estate in his ward of the cash value of five hundred dollars—evidenced by deed of record in the Register's office of Shelby county, or by will or inheritance.—Any Alderman, removing from his ward during his term of office, or ceasing to hold real estate as aforesaid in his ward, shall thereby vacate his office; *provided*, that a Sheriff's deed under tax sale shall not be deemed a *fee simple* title within the meaning of this act, unless the party claiming under it shall have before that time held actual, exclusive, adverse, open and undisputed possession thereof, for a period not less than seven years.—The Board of Aldermen shall have the power to create all offices deemed necessary for the public interest, and shall fix the compensation attached to each before filled, which compensation shall not be increased or diminished during the time for which the office is held.

Sec. 6. The Recorder, Treasurer, Wharf Master, Tax Collector and Sexton, shall be elected by the Mayor and Aldermen, and they or any other officer of the city may be dismissed at pleasure, two-thirds of the board present and voting concurring therein.

Sec. 7. The City Marshal, High Constable, Captain of the Night Watch and Engineer, and the other officers

Qualification and
power of Aldermen.

Officers.

created by the foregoing Section 6, shall be nominated by the Mayor, and such nomination shall be confirmed or rejected by the Board of Aldermen, who shall also have power to dismiss any of said officers, provided two-thirds concur in such action; but the Mayor, together with the Captain of the Night Watch and High Constable, shall have the sole power to appoint a day and night police, who shall hold office at the will of the Mayor, or until removed by a two-thirds vote as aforesaid.

Election of Mayor
or and Aldermen.

SEC. 8. The first election of Mayor and Aldermen, under this charter, shall be held in each ward of Memphis as now laid off, and in the other districts embraced in the 3d Section of this act, by the Sheriff of Shelby county, as he may designate, on the last Monday in December, 1849, after ten day's notice. The voters shall vote by ballot, and only in the ward in which they reside, and only for the aldermen of that ward and for mayor; and no person shall be a qualified voter unless he be a white man, 21 years of age, a citizen of the United States, and of the State of Tennessee, and shall have been an actual *bona fide* resident of the ward in which he offers his vote six months, next preceding the election at which he offers the same, and shall have paid his corporate taxes for the last past corporate year. The Sheriff shall appoint three judges of election for each ward, who shall take an oath faithfully to perform their duty, and they shall open the polls at 10 o'clock, A. M., and close them at 4 o'clock, P. M., when they shall forthwith proceed to ascertain and certify to the acting mayor the result of the election, and in all cases of a tie vote for aldermen, the mayor shall refer the election back to the voters of the ward, within ten days after the tie is ascertained. The first meeting of the board to be elected under this charter shall be at the usual place of meeting of the Mayor and Aldermen of the city of Memphis, and on the first Tuesday after election.

SEC. 9. The Mayor and Aldermen shall have power to pass all laws necessary to preserve the health of the city, to prevent and remove nuisances, to establish night watches or patrols, to establish and regulate the grade of streets, alleys and other public highways, to license and regulate negro traders, livery stables, auctions, grocery, dry goods, forwarding, receiving and commission and all other mercantile houses; coffee houses, tippling houses, confectionaries, brokers, bankers, pedlars, shows, circuses, theatres, and all other public amusements within the city; to keep in good re-

pair, preserve and improve the streets, alleys, sidewalks, public landings and squares; to prevent the erection of buildings dangerous to other improvements, and to designate fire limits, within which wooden buildings shall not be erected; to restrain and punish gaming; to establish inspection laws within the city; to establish and regulate markets, and pass market laws and regulations; to establish and regulate the fire companies and fire works; to regulate the sweeping of chimneys; to establish and regulate pumps, wells, cisterns, &c., on the streets, alleys, public squares, &c., to convey water from the vicinity into the city; to lay and collect taxes for the use and benefit of the city, which shall not exceed three fourths of one dollar for every hundred dollars worth of property, valued at cash prices; to open and widen streets, and to lay off new streets if necessary, always paying the party injured therefor; to license and regulate drays, carts, hackney coaches, and other vehicles in said city; to remove buildings dangerous or hazardous to other property upon paying the owner the value thereof; to lay and collect such a poll tax as they may deem reasonable upon all the inhabitants of the city liable to pay a poll tax to the State; to prevent the introduction of contagious diseases into the city; to make quarantine laws, and enforce them within ten miles of the city; to establish and regulate hospitals, workhouses, and houses of correction; to establish a system of free schools within the city, free from sectarian influences, and to lay a tax not exceeding one-eighth of the city revenue to support the same, provided that all the tax collected in any one Ward for this purpose shall be expended in said ward, and provided also that no more money shall in any one year be expended or liability created on account thereof, in any one ward than the taxes for said year in said ward amount to; and provided further that upon the expressed wish of a majority of the voters in any one ward, no further taxes for free schools shall be collected or levied in said ward until otherwise requested by the majority of voters of such ward; to provide for lighting of lamps, and the erection of all buildings necessary for the use of the city; to improve the navigation of the Mississippi river, within the city limits; to preserve and improve the steamboat and flatboat wharves, and fix the rate of wharfage; to regulate the anchoring and moving of steamboats, and other boats at the various landings within the city, except as hereinafter restricted; to license and regulate porters and their charges; coachmen, hackmen and cabmen and their charges; to

regulate all disorderly houses; to regulate the keeping and storage of gun powder and all other combustible articles; to regulate the use of lights, stove pipes and flues, in all shops, stables, sheds and other like places; to provide for the inspection and the weighing or measuring of all kinds of provisions, food, provender, fuel, &c., for man or beast; to provide for the gauging and inspection of all kinds of liquors; to provide for the arrest and confinement, until tried, of all vagrants, riotous or disorderly persons within the city limits; to authorize the arrest and detention of all free negroes, slaves or other persons found violating any ordinance of the city; to pass such laws as may be deemed necessary to control and regulate free negroes and slaves, and to punish them for violation thereof; and to pass all other laws that may be necessary to carry out the full intent and meaning of this act, if not contrary to the constitution and laws of the State of Tennessee.

May issue bonds.

SEC. 10. The Mayor and Aldermen shall have authority to issue time bonds of the city, for the purpose of borrowing money for the use of the corporation, but said bonds shall not have longer than one year to run; shall not be renewable, and shall not be for an amount larger than the revenue of the last preceding year, and, no new issue shall take place until previous bonds hereby authorized are paid, unless authorized by three unanimous votes of the board ten days a part from each other; Provided, however, that the city of Memphis, by and through its Mayor and Aldermen, and by the subscription of the Mayor on the books of the Memphis and Charleston railroad company, be and is hereby authorized to subscribe for any sum, not exceeding five hundred thousand dollars, of the capital stock of said company, or to subscribe that amount for any road leading from Memphis and connecting with the South Carolina and Georgia works; *Provided*, that the said rail road subscription shall not be taken by the Mayor and Aldermen, until the vote of the legal voters of the city of Memphis shall have been taken by them, and a majority of those voting decide in favor thereof, and that the Mayor and Aldermen of the city of Memphis, be and are hereby authorized to raise money on loan by pledging the faith of the Corporation; by pledging a portion of its taxes by mortgage or otherwise, as to them may seem best, to an amount not exceeding what may be demanded for the calls upon the stock aforesaid, and said loan may be created for such length of time and payable in such manner as to the said Mayor and Aldermen may be deemed best: also the said

Mayor and Aldermen be and they are hereby authorized, if to them it shall seem best, instead of making a loan as aforesaid for the whole amount of said calls, or any part thereof, to issue the bonds of said corporation, under its corporate seal, to be signed by its Mayor and countersigned by its Recorder, for the whole, or any part of its calls which may be made from time to time by said rail road company on said stock; that the bonds so to be issued shall be in sums not less than five hundred dollars each, that they shall not have a greater rate of interest than six per centum per annum, and shall not be payable at a greater distance of time from their respective dates than thirty years. *And provided further*, that said Mayor and Aldermen shall so soon as the finances of the city will permit, erect two substantial and permanent steam boat landings or wharves, the one commencing at or near the north edge of Union street and running south, and the other at or near the mouth of Poplar street and running south; both shall be commenced at the same time and may be extended north and south, as the wants of the city may require, but the said Mayor and Aldermen shall have no power to coerce the landing of steam or ferry boats at any named landing within the corporate limits, but the same shall be permitted to land, load and discharge freight or passengers at such point in front of the city (paying reasonable wharfage taxes) as their convenience and the commercial wants of the public may dictate.

May erect land-
ings and wharfs.

SEC. 11. Two thirds of the revenue collected in each ward from real estate shall be expended in such ward, unless the Aldermen of the ward otherwise agree, or unless the same be required to liquidate the aforesaid rail road bonds.

Revenue—how
expended.

SEC. 12. The county tax hereafter collected within the limits of the city of Memphis, as hereby extended, and also the fines and forfeitures in the Commercial and Criminal Court of Memphis, shall hereafter be paid over by the County Trustee to the Mayor and Aldermen of Memphis, and they shall hereafter defray all charges for jurors, witnesses, and all costs, &c., incident to trials in the Commercial and Criminal court of Memphis, which have heretofore been paid by the county of Shelby; *and provided also*, that no part of the county revenue ordered by this section to be paid to the City of Memphis, shall be so paid over until the existing debts of the county shall have been extinguished, and in the meantime the cost of jurors and courts, &c., in the Commercial and Criminal Court of Memphis shall be paid by the county as heretofore.

■ Tax fines and
forfeitures—how
paid.

Existing laws
continued.

SEC. 13. All laws heretofore passed by the city authorities of Memphis or South Memphis, not hereby repealed or rescinded, and not in conflict with each other, shall remain in full force and effect until hereafter altered or repealed by the Aldermen to be elected under this charter, and all legal contracts heretofore entered into by either corporation, shall be faithfully observed and carried out by the Mayor and Aldermen hereafter to be elected; and power is hereby given the Mayor and Aldermen to be elected under this charter, to collect all taxes, debts, fines, &c., due to either Memphis or South Memphis, and to carry on all suits begun by them, or either of them, and no suit against either shall abate by reason of this act, but may be carried on against them without amendment of parties.

Records to be
delivered to new
Board.

SEC. 14. The different officers of the present towns having the books, records, papers or property of either in their hands, shall upon the organization of the new Board, deliver them over to the Mayor and Aldermen.

Wards laid off.

SEC. 15. The Aldermen first elected under this charter, shall within four months after their election, district the city into six wards, having regard, as far as possible, to qualified voters; which wards shall run from east to west, as near as may be. The second election for Mayor and Aldermen under this charter, shall take place on the last Thursday in June, 1850, and annually thereafter, and be held by the Sheriff as before provided, and the re-districting of wards shall take place only once in two years.

Election when
held.

Qualifications of
officers.

SEC. 16. The Aldermen elect shall judge of their own qualifications, and of those of the Mayor, and no member of the Board shall hold an office of profit within the gift of the corporation during the period for which he was elected, nor shall he during that time be interested in any contract to which the corporation is a party; and any Alderman or other officer so offending shall forfeit all the rights, privileges and emoluments of his office, and be forever after ineligible to office under the Corporation.

Debts—how paid

SEC. 17. In order that neither the town of Memphis or South Memphis, may justly complain of being taxed to pay the debts of the other, it is hereby provided that the debt of Memphis shall be paid off from revenues within her own present limits, and the debt of South Memphis from revenue within her present limits.

Sal. ies.

SEC. 18. The provisional Board of Mayor and Aldermen, or those first elected under this charter, shall arrange the salaries of the different offices, which shall continue until the organization of the second board,

who shall then fix the salaries for one year, provided that no Alderman shall receive any compensation for his services as Alderman.

SEC. 19. The first fiscal term under this charter shall Fiscal year. commence on the first day of January, and on the last day of June, 1850, and the taxes assessed by the provisional or first board, shall be collected during that time, and the next and all subsequent fiscal years shall run from the first day of July to the 30th day of June inclusive.

SEC. 20. A vacancy in the post of Mayor from ab- Vacancy of Mayor. sence or otherwise, shall be filled by the Aldermen, and they shall select one of their own body to preside at their deliberations.

SEC. 21. Any Justice of the Peace or Judge shall administer the requisite oath to the Mayor and Aldermen, who shall each take an oath of office before entering upon discharge of the same.

SEC. 22. This act shall go into effect on its passage When to take effect. and may be read in evidence without proof in all courts of this State; but until the election and organization of the first board of Mayor and Aldermen under this charter, the offices of the city of Memphis and of South Memphis, shall be administered under their own respective charters as heretofore.

SEC. 23. That if any person vote in any election for Mayor and Aldermen, or either, authorized to be hold- Penalty for illegal voting. en by this charter who is not a qualified voter by the terms of this charter, or if any person being a qualified voter vote more than one time in the same election, he shall be liable to indictment or presentment as in cases of misdemeanor; and upon conviction thereof shall be deemed guilty of a misdemeanor and fined in a sum not exceeding fifty dollars and imprisoned at the discretion of the court, not exceeding thirty days.

SEC. 24. This act shall take effect immediately, and all laws or parts of laws contrary to, or conflicting with the provisions of this act, be and the same are hereby repealed.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed December 3rd, 1849.

CHAPTER VIII.

An Act to amend the Turnpike road charter granted to James Standifer & Co.

Be it enacted by the General Assembly of the State of Tennessee, That Church Jackson, the present owner and proprietor of said road, be permitted to change the same, commencing with said road at the eastern part of the Cumberland mountain, near the residence of the late James Sims, deceased, in Marion county, continuing the present chartered road to the western top of said mountain, in an old field, then diverging to the left, and intersecting the Crow Creek road at or near the Tunnel of the Nashville and Chattanooga rail road in Franklin county.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, 10th November, 1849.

CHAPTER IX.

An Act to change the time of holding the Circuit Courts in the counties of Marshall and Hickman.

Be it enacted by the General Assembly of the State of Tennessee, That the Circuit Court of Marshall county, shall hereafter be held on the third Mondays in April, August and December, and the Circuit Courts in the counties of Hickman shall hereafter be held on the 4th Mondays in March, July and November—this act to take effect from and after the first day of January next.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, November 21st, 1849.

CHAPTER X.

An Act to establish the Edgefield and Allisonia Manufacturing Companies.

SECTION 1. *Be it enacted by the General Assembly of the* Incorporation.
State of Tennessee, That a body corporate and politic is hereby constituted and established by the name and style of the "Edgefield Manufacturing Company," for the purpose of manufacturing Cotton and Woolen goods, or either of them separately; and that said company is empowered to have and use a common seal, to change the same at pleasure, to make such by-laws and regulations (not inconsistent with the constitution and laws of this State or of the United States) as may be necessary or useful, to contract and be contracted with, to sue and be sued, to have succession and to hold by purchase or otherwise any real or personal property, (and to dispose of the same) that may be necessary or convenient for carrying out its operations, or which may be acquired for debts due to it, in whole or in part.

SEC. 2. That the capital stock of said company shall Capital stock.
 be one hundred thousand dollars, which may be increased to one hundred and fifty thousand dollars whenever deemed necessary by the Stockholders; and which shall be divided into shares of one hundred dollars each. Said stock shall be transferable on the books of the company only, and then not without the consent of the Board of Directors, unless the whole amount of instalments due thereon shall have been previously paid.

SEC. 3. That the Board of Directors of said company Calls of stock.
 for the time being, or a majority of them, shall have power to call for, and require of the Stockholders, respectively, all sums of money by them subscribed, at such times, in such proportions, and at such places as they (the Directors,) may see fit, under penalty of the forfeiture of the share or shares of such delinquent Stockholders, and of the payments previously made thereon—thirty days notice being given, in some newspaper in the town of Nashville, of each call.

SEC. 4. That Samuel Watson, Nicholas Hobson, Commissioners.
 John B. Johnson, Robert G. Smiley, Nathaniel Baxter, Samuel R. Anderson and Washington Barrow, are hereby appointed Commissioners, and they, or a majority of them, shall select a site for said Manufactory, on the side of Cumberland river, opposite the town of Nashville, and having done so, they shall open Books of subscription to the Capital Stock of said company;

Elections.

giving twenty days notice thereof, and when the number of two hundred and fifty shares shall have been subscribed, they shall, after due notice, proceed to elect seven Directors, who with a President elected by them from their own body, shall manage the affairs of the said Company, and hold their office for one year or until their successors are chosen. The election of said Directors shall be annual, and each Stockholder shall have one vote—which may be given by proxy—for every share he may hold. *Provided*, That the privileges herein granted shall not continue longer than ninety-nine years.

Allisonia Company incorporated

SEC. 5. *Be it enacted*, That James A. Deery, William B. Deery, Robert E. Deery, and such other persons as may hereafter be associated with them, and their successors are hereby incorporated by the name and style of the Allisonia Manufacturing Company, for the purpose of manufacturing goods and articles from cotton, wool, hemp and silk; for the making of machinery or implements of wood, iron or other materials, and for the erection of mills, for the grinding of grain, and the manufacture of flour; for the manufacture of leather, and the erection of bridges across Elk river for the use of the company; with a capital stock to consist of not less than one thousand, and not more than five thousand shares of one hundred dollars each; said company shall have all the rights, powers and privileges, and be subject to all the limitations, liabilities and restrictions, so far as they are applicable, which are herein before given to, and prescribed for the Edgefield Manufacturing Company. Said company shall have the power to sell or lease, or otherwise dispose of their site, water-power, and appurtenances; *Provided further*, that said company shall have power to do business at one or more points as may be convenient, and *provided*, that one of the said company may act as President, one as Secretary and the other as Treasurer.

Stockholders—how liable.

SEC. 6. *Be it enacted*, That if any portion of the capital stock of the corporations hereby created shall be withdrawn or refunded to the stockholders, before the payment of all debts of the corporations for which such Stock would have been liable, the Stockholders shall be liable in their individual property for the debts of said Corporations to the amount of Stock thus withdrawn or refunded to them.

Directors—when liable.

SEC. 7. *Be it enacted*, That if the Directors of said Corporations shall declare and pay any dividends when the Corporations are insolvent, or any dividend, the payment of which, would render them insolvent,

the Directors assenting thereto, shall be jointly and severally liable, in action founded on this act, for all amount of the debts due from said Corporations at the time of the dividend, equal to the amount of the dividend thus declared by said Directors. *Provided*, Said Directors were present at the time of declaring such dividend, and if present, assented thereto, which they shall be held as having done, unless they shall file a protest against such dividend in writing to be entered, at the time, on the books of the company by the Secretary thereof.

LANDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed December 14th, 1849.

CHAPTER XI.

An Act to allow the Commissioners of the East Tennessee and Virginia Rail Road Company, further time to carry into effect the provisions of said act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners named in the fourth section of the act to incorporate the East Tennessee and Virginia rail road company, passed on the 27th day of January, 1848, shall be, and are hereby allowed until the 1st day of January, 1852, instead of the 1st day of January, 1850, to execute the trusts confided to them, and comply with the several provisions of said act of incorporation. Time extended.

SEC. 2. *Be it enacted,* That the citizens of Hawkins, Hancock, Grainger and Claiborne counties, who shall hereafter make to the capital stock of said company bona fide subscriptions to an amount of shares equal to one third the sum required fully to establish said corporation, shall thereby be entitled to all the benefits, in common with the subscribers south of the Bay's mountain and Holston river, both as to the survey of the route north of said boundary, and the full and fair competition for final locations.

SEC. 3. *Be it enacted,* That upon the present stockholders agreeing to the foregoing provisions, the same shall be deemed and taken as part of the said act of

incorporation of said rail road company, and the present and future subscription of stock be legalized, any informality in the proceedings of the first commissioners to the contrary notwithstanding.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed November 6th, 1849.

CHAPTER XII.

An Act giving further time to the securities of Abraham Dyer, of the county of Monroe, to pay the balance of the revenue for the year 1845.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the further time of three years be allowed the securities of Abraham Dyer, late a sheriff of Monroe county, to pay the balance of the revenue due the State for the year 1845; *Provided*, That said securities execute their note to the State of Tennessee, dividing the sum due in three equal annual payments, for the principal, interest and cost, bearing interest from the date, with good and sufficient security, to be approved of by the judge of the circuit court of Monroe county, and to be deposited by said court in the hands of the prosecuting Attorney for said Judicial District for collection; and upon failure to pay said notes as they respectively become due, judgment, by motion, without notice shall be taken against the parties in the circuit court of Monroe county, for the amount due.

SEC. 2. *And be it further enacted*, That all further proceedings on the part of the State against Abraham Dyer and his securities be discontinued, upon the Judge of the Circuit Court of Monroe county, approving of the notes and security as by this act is contemplated, and entering said approval upon the records of the court of Monroe county.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed November 28, 1849.

CHAPTER XIII.

An Act to incorporate the Buena Vista Turnpike and Ferry Company.

SECTION 1. *Be it enacted by the General Assembly of the* Incorporation.
State of Tennessee, That James C. Owen, William Pybus, and Thomas J. Munford and their successors be, and they are hereby constituted a body politic and corporate, by the name of the Buena Vista turnpike and ferry company, with power by that name to sue and be sued; to plead and be impleaded, and generally do and perform all acts and things which bodies corporate may lawfully do, for the purpose hereinafter named; shall have a common seal, and succession for ninety-nine years.

SEC. 2. *Be it enacted*, That said company shall be Route of road.
 authorized to construct a gravel McAdamized turnpike, to commence at or near the north west end of Spruce street in the corporation line of Nashville, thence the most practicable route by the Buena Vista Springs, passing them on the line dividing the land of James C. Owen and Thomas J. Munford, to Cumberland river, crossing the same by boat hereinafter mentioned, thence the nearest and most practicable route to White's Creek, and crossing the same near Stump's spring house by such substantial bridge as they deem most suitable, thence up the said creek, on the west side thereof, with or near the county road, to a point in the White's Creek turnpike, near the seven miles point from Nashville, the whole distance being about five and three-fourths miles from Nashville.

SEC. 3. *Be it enacted*, That said road shall be constructed in all respects equal to the White's Creek turnpike road, and have all the rights and privileges, and be subject to all the pains and penalties conferred by law on said White's Creek turnpike company, except so far as said act may be inconsistent with this act.

SEC. 4. *Be it enacted*, That said road shall be commenced within one year from the passage of this act. Commissioners to view road.
 When said road shall have been completed it shall be the duty of the county court of Davidson county to appoint three commissioners, whose duty it shall be to inspect said road, and if completed according to the provisions of sec. 2, to report the same for record on the minutes of said court; for which duty, said corporators shall pay to each of said commissioners the sum of two dollars per day.

SEC. 5. *Be it enacted*, That said corporators shall have Tolls of Ferry.
 the power to establish a ferry across Cumberland river,

at the point where the Buena Vista turnpike reaches it, and shall use either a buoy, horse or steam ferry boat at their option, and as soon as they may have their banks in order they may commence receiving toll, which is not to exceed the tolls charged by other public ferries on Cumberland river, and to be subject to the same regulation.

Damages.

SEC. 6. *Be it enacted*, That there shall be five commissioners appointed by the county court of Davidson county, whose duty it shall be to ascertain and assess any damages claimed by any person or persons through whose land said road may pass, but said commissioners in making their valuation of damages shall take into view the advantages of said road to said claimants.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed November 5, 1849.

CHAPTER XIV.

An Act to incorporate the Columbia, Mooresville, Cornersville and Lewisburg Turnpike Company.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers for the stock hereinafter mentioned shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Columbia, Mooresville, Cornersville and Lewisburg Turnpike Company, and by that name, they may sue and be sued, plead and be impleaded, and shall have a common seal and succession for ninety-nine years.

Commissioners.

SEC. 2. *Be it enacted*, That James Smizer, Warren Smizer, James T. Moore, P. C. Patton, M. B. Whittaker, J. N. Bills, N. C. Gillespie, B. G. Parsons, Rufus Jones, W. L. J. Wilkes and Alfred Fleming, or any five of them be, and they are hereby appointed commissioners to open books, to receive subscriptions for stock in said company, at such times and places as they may think best, either in cash subscriptions, or in work; and all the above named persons, or so many of them as shall unite, in making said road, or any other person or persons, not named, who shall aid in its con-

struction, or any five of them, shall be commissioners to locate said road, from Columbia to the forks of the road, near the blacksmith shop of W. L. J. Wilkes.

SEC. 3. *Be it enacted*, That A. P. Hughes, John J. Daniel, F. O. Daniel, D. C. Gillespie, L. Crews, J. S. Hunt, N. H. T. Moore, R. A. L. Wilkes, F. A. Burke, John Ballanfont, Joseph Ballanfont, Hardin Kerr, and Thomas Amis, or any five of them, be, and they are hereby appointed commissioners to open books, to receive subscription for stock in said company, at such times and places as they may think best, either in cash subscriptions, or in work; and all the above named persons, or so many of them as shall unite in making said road, or any other person or persons, not named, who shall aid in its construction, or any five of them, shall be commissioners to locate said road for the next five miles, commencing at the fork of the road above named.

SEC. 4. *Be it enacted*, That Robert A. Caruthers, Wm. S. Renfro, Wm. L. Holt, James Davis, Samuel W. Fitzpatrick, Morgan Fitzpatrick, Jesse Johnson, McClintock Brown, Isaac Holt and Thomas Cheatham, or any five of them, shall be commissioners to open books, to receive subscriptions for stock in said company, at such times and places as they may think best, either in cash subscriptions or in work; and all the above named persons or so many of them as shall unite in making said road, or any other person or persons not named, who shall aid in its construction, or any five of them, shall be commissioners to locate said road from where the second company terminate their five miles to Mooresville, in Marshall county. Commissioners.

SEC. 5. *Be it enacted*, That Hamilton Pickens, William Wilkes, sen'r., David Pickens, John Bryant, Thomas Kennedy, James Osburn, John Edwards, Wm. Harris, William Nance and Robert Cox, or any five of them, be and they are hereby appointed commissioners to open books, to receive subscriptions for stock in said company, at such times and places as they may think best, either in cash subscriptions or in work; and all the above named persons, or so many of them as shall unite in making said road, or any other person or persons not named, who shall aid in its construction, or any five of them, shall be commissioners to locate said road from Mooresville to Cornersville, in Giles county.

SEC. 6. *Be it enacted*, That the capital stock of said company shall be sixty thousand dollars, or any less sum necessary to build said road, which shall be divided into shares of fifty dollars each, to be applied to Capital stock.

making a McAdamized turnpike road from Columbia in Maury county to Cornersville, in Giles county, or to any intermediate point.

Organization. SEC. 7. *Be it enacted*, That when five thousand dollars shall be subscribed to either of the above named companies of commissioners, a meeting of the subscribers in said bounds shall be held, at such time and place as a majority shall designate, all being notified, and when assembled, they may proceed to elect three directors, pass by-laws, and fully organize and put under contract the road in their respective bounds.

Character of road. SEC. 8. *Be it enacted*, That said road shall be graded at least twenty-two feet wide, with sufficient ditches on each side, to carry off the water and drain the same, and shall gradually descend from the centre to said ditches, and shall be substantially paved with gravel, or broken stone, at least sixteen feet wide, eight feet in the centre to be nine inches thick, four feet on each side, six inches; and shall have substantial bridges and culverts, when necessary, and in all respects be completed, in a substantial, turnpike road like manner, with a grade not to exceed five degrees.

Toll gates. SEC. 9. *Be it enacted*, That the said companies shall have two years from the passage of this act, to commence said road, and four years thereafter, within which to complete their respective portions of said road, with the privilege of putting up a gate, so soon as the first portion of said road is finished—one, within two miles of the court house, in the town of Columbia, and a second gate, at or near the forks of the road, at the terminus of the first division mentioned above; and then, a gate for every five miles of said road, when finished. The company are hereby authorized to demand and receive toll at each gate, not exceeding the following rates, viz:—For every twenty head of sheep or hogs, ten cents; for every twenty head of horned or neat cattle, twenty cents; for every horse, or mule, not employed in drawing a carriage, two and a half cents; and so in proportion for any larger or less number of the above mentioned animals; for every pleasure carriage, drawn by two or more horses, or mules, twenty-five cents; for every carriage, wagon, or cart, drawn by one horse, ten cents; for every loaded wagon drawn by two horses, mules, or oxen, fifteen cents; for the same empty, ten cents; for every loaded wagon drawn by three horses, mules, or oxen, twenty cents; for every loaded wagon drawn by four horses, mules, or oxen, twenty-five cents; for every empty wagon not provided for, half

Tolls.

the toll charged upon the same when loaded; for every man and horse, five cents; every vehicle used for the purpose of carrying burdens shall be charged as wagons, in proportion to load.

SEC. 10. *Be it enacted*, That the commissioners above named in this act shall keep the books open, for the subscription of stock, for ten days, at the expiration of which time, if they are of the opinion, that stock enough to build their part of the road is not subscribed, they may proceed to assign any one, desirous of building any part of said road, so much of the same, as he may contract to build, which shall be valued by three disinterested persons, to be chosen by all the persons interested in building said road, each giving one vote for said commissioners, for every one hundred yards of said road that he may build; who shall, as soon as the road is finished, place an uniform value upon the work done upon said road by each undertaker; and every person, undertaking and making any portion of said road, shall be credited upon the books of the company, with an amount of stock equal to the valuation put upon the work, done by him on said road, by said three commissioners, and certificates of stock shall be issued and receipts given, as though the amount had been subscribed and paid in cash.

Subscription of stock.

SEC. 11. *Be it enacted*, That in the event of any person or persons undertaking any part of said road, in pursuance of the above section, and failing to have the same finished within the time allowed in this charter to complete the road, then, he, she, or they, shall forfeit all that may have been done by them, to said company, and the company shall have one additional year to complete the part or parts forfeited.

Forfeiture of contract.

SEC. 12. *Be it enacted*, That the stock in said company may be transferred, in such manner as is provided by law, in regard to the stock of other turnpike companies; that the first election for directors shall be held as provided for in the 7th section of this act, and ever thereafter, on the third Monday in January in each and every year; and that it shall be lawful for said corporation to have, hold and purchase all such real estate as may be necessary for toll gates and for other purposes contemplated in this act.

Election of Directors.

SEC. 13. *Be it enacted*, That the commissioners shall have a discretionary power to grade said road to any width they may choose, between twenty two and twenty four feet; and shall cover five feet of the centre of said road, after being completed as above described, with sand, gravel, or dirt, so as to make the travel on

Exemption from tolls. the road at first more pleasant. Persons on horseback going to mill, musters, or preaching, to be exempt from paying toll at all the gates.

Damages.

SEC. 14. That if any person shall claim damages for the location of said road through his lands, he may apply to the Circuit Court of the county in which the injury may be done, for a writ of *ad quod damnum*, to be directed to the sheriff of such county to empanel a jury of freeholders to go on the premises and upon oath, which oath the sheriff is hereby authorized to administer, assess the amount of damages which may have been sustained, and the court upon the return of such assessment render judgment and award execution for the same, with costs against said corporation; but, if the jury shall return a verdict that no damages have been sustained, then the court shall render judgment and award execution against such applicant, for the costs incurred. In assessing damages, the jury shall take into consideration the loss or damage to the owner, and also, the benefit and advantage he may receive from the erection of the road, and the excess of injury over and above the benefit shall form the measure of damages.

Forfeiture of charter.

SEC. 15. *Be it enacted*, That if said company fail or refuse to comply with the provisions of this act, in completing said road, and keeping the same in good order for the whole term of ninety-nine years, then and in that case, this charter shall be forfeited.

Other privileges.

SEC. 16. *Be it enacted*, That said company shall have all the rights, benefits and privileges, not named in this charter, that are by law conferred on the Columbia Central Turnpike Company.

Directors elected.

SEC. 17. *Be it enacted*, That after the road is all completed, or any two divisions of it, they shall be united, and five Directors shall be elected by all the stockholders in said road, giving one vote for each share of fifty dollars of stock he may own in said road, and when repairs are made, each stockholder shall bear his proportionate share according to his amount of stock, and so likewise in sharing dividends, each stockholder sharing equally in expenses and dividends, according to the amount of stock to be valued by the same rules laid down for the valuation of work done, in the 10th section of this act.

Commissioners.

SEC 18. *Be it enacted*, That Morgan Fitzpatrick, J. W. Renfro, Wiley Stone, John R. Hill, S. K. Bills, William Squiers, Thomas F. Winston, C. W. Black, James A. Yowell, Benj. Williams, George W. Record and Thomas McKnight, or any five of them, be, and they

are hereby appointed commissioners to open books, to receive subscription for stock, in said company, at such times and places as they may think best, either in cash subscriptions, or in work; and all the above named persons, or so many of them as shall unite in making said road, or any other person or persons who shall aid in its construction, or any five of them, shall be commissioners to locate a road from Mooresville to Lewisburg, in Marshall county. Mooresville to Lewisburg.

SEC. 19. *Be it enacted*, That when the amount of five thousand dollars is subscribed in stock, then the said commissioners shall have the privilege of commencing said road at Lewisburg, and when they shall have completed five miles of said road, then they shall have the privilege of erecting one toll gate not nearer than two miles from said town of Lewisburg. Said road in other respects to be governed by the same rules, regulations and restrictions granted to the other companies in this act. Subscription.
Toll gate.

SEC. 20. *Be it enacted*, That should the road not be built any further than the terminus of the first division mentioned above, then and in that case, persons going to or from Columbia either on horse back or with a carriage of any kind, and returning the same day shall be exempt from paying toll at each gate as they return. Exemptions from toll.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed Dec. 18, 1849.

CHAPTER XV.

An Act to incorporate the town of Huntingdon in the county of Carroll, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Huntingdon in the county of Carroll, and the inhabitants thereof, be and they are hereby incorporated by the name and style of the Mayor and Aldermen of the town of Huntingdon, and by such name and style shall have perpetual succession; may have and use a common seal; and may by such name and style sue and be sued, plead and be impleaded; may have, receive, purchase Incorporation.

and hold property whether real or personal; and may grant, sell, and dispose of the same for the use of said corporation.

Elections.

SEC. 2. *Be it enacted*, That on the first Saturday in January of each and every year, the Sheriff of said county, either by himself or deputy, shall open and hold an election at the court house in the town of Huntingdon, after giving ten days notice by advertisement of the time and place of holding said election for seven Aldermen, who shall respectively hold their offices for twelve months, and until their successors shall be elected and qualified; and all persons owning a freehold in said town, and all persons residing within the limits of said corporation, and who shall have been residents thereof for six months previous to said election, shall be entitled to vote in said election; provided they are otherwise entitled to vote for members of the General Assembly of this State. Said election shall be adjudged by three qualified voters of said corporation, to be appointed and qualified by the Sheriff or his deputy aforesaid. The polls of said election shall be opened at 11 o'clock A. M. and closed at 2 o'clock, P. M., on the same day.

SEC. 3. *Be it enacted*, That on failure of the Sheriff of said county, by himself or deputy, to advertise and hold the election for Aldermen at the time specified in this act, it may and shall be lawful for said Sheriff, by himself or deputy, to hold said election at any time thereafter in the same manner as required by this act.

Who eligible.

SEC. 4. *Be it enacted*, That no person shall be eligible to the office of Alderman in said corporation, unless he shall at the time of his election reside within the limits of said corporation, and shall also be a freeholder or a householder in said corporation; and immediately after said election, said sheriff or deputy holding the same, shall make out and deliver severally to the seven persons having the highest number of votes, certificates of their election.

Organization and election of officers.

SEC. 5. *Be it enacted*, That it shall be the duty of the persons so elected Aldermen as aforesaid, on the Tuesday succeeding their election, to meet at some convenient place within said corporation, and upon the presentation of their certificates of election to some Justice of the Peace of said county, he shall administer to them an oath of office, to the effect that they shall faithfully demean themselves as such Aldermen during their continuance in office; and thereupon said board of Aldermen, a majority of whom shall be sufficient to constitute a quorum to transact business, shall organ-

ize themselves and proceed to elect one of their body as Mayor for the current year, and shall hold his office for twelve months, and until his successor is elected and qualified; when upon application to some justice of the peace for said county, it shall be his duty to administer to the person so elected Mayor as aforesaid, an oath of office, to the effect that he shall faithfully demean himself as such Mayor during his continuance in office; which oath said Mayor shall take before entering upon the duties of his office. Said board shall then proceed to elect a Recorder, who shall also be Treasurer for said corporation, and a Town Constable, each of whom, before entering upon the duties of their office, shall enter into bond payable to said board of Mayor and Aldermen, with good and sufficient security to be approved of by the Mayor of said board, in an amount to be determined by said board, conditioned that they shall faithfully demean themselves in the performance of the duties of their respective offices, during their continuance in office, and that they shall faithfully collect and pay over as required by said board of Mayor and Aldermen, all taxes, fines, forfeitures &c., which may be due and owing said corporation; and upon application to some Justice of the Peace for said county, it shall be his duty to administer to them respectively an oath of office, to the effect that they shall faithfully demean themselves as such during their continuance in office, which oath of office they shall take before entering upon the duties of their office. They shall hold their offices respectively for one year, and until their successors are elected and qualified.

SEC. 6. *Be it enacted*, That all vacancies for Aldermen and other officers of said corporation, which shall be occasioned by death, resignation, removal or otherwise, shall be filled for the residue of the term, by the Mayor and Aldermen or Alderman in office; and the persons so appointed by them shall possess the same qualifications for office as required in the second and fourth sections of this act; and shall in like manner be qualified before entering upon the discharge of their respective offices. Vacancies.

SEC. 7. *Be it enacted*, That it shall be the duty of Constable. said Constable, faithfully to collect and pay over to the Treasurer of said corporation, on the first Monday in January and July annually, all taxes, duties, fines and forfeitures due and owing said corporation, except such as the collection of which are herein otherwise provided for, and on failure to do so, he and his securities shall be liable by motion before the Circuit Court of Taxes, how c^t.
lected.

said county, for the amount of his said delinquency, with costs, and he shall also be liable to be removed from office for any misconduct in office at the pleasure of the Mayor and Aldermen of said corporation.

General power. SEC. 8. *Be it enacted,* That said corporation shall have full power and authority to make such by-laws and ordinances as may be necessary and proper to preserve the health, quiet and good order of said Town, to prevent or remove nuisances, to establish night watches or patrols, to punish breaches of such by-laws and ordinances committed within the limits of said corporation, by a fine not exceeding fifty dollars. To ascertain and declare when necessary, the boundary, streets and alleys of said Town; to sell and convey to the purchasers, when deemed expedient or necessary, any of the alleys of said Town, with the consent of all persons owning lots on said alleys; to provide for the licensing, regulating and taxing auctions, theatrical, and other shows within said Town; to restrain and prohibit gaming; to prohibit the exhibition of stallions and jacks, within the corporate limits of said Town; to pass all by-laws, and ordinances, necessary and proper for the paving of streets, alleys and side walks, and keeping them in repair; to establish and regulate markets and inspections; to provide for the establishment and regulation of fire companies, and the sweeping of chimneys; to dig wells and erect cisterns; to erect pumps on the streets or public grounds; to impose and collect fines and forfeitures for breaches or violations of the by-laws and ordinances of said corporation; to lay and collect taxes upon all property and privileges within said corporation, which are or may hereafter be made taxable by the laws of this State; to tax ball, nine-pin and ten-pin alleys, and to pass all by-laws and ordinances necessary and proper to enforce the powers granted in this act, which are not inconsistent with the constitution and laws of the United States or of the State of Tennessee.

Process—how issued. SEC. 9. *Be it enacted,* That the Mayor of said corporation or any justice of the peace for said county, shall have full power and authority to issue any and all process necessary and proper for the arrest of any person or persons, charged of violating any of the criminal by-laws of said corporation, which may be enacted by said board of Mayor and Aldermen, under the powers granted in the eighth section of this act to preserve the health, quiet and good order of said town; and which by said by-laws may be made punishable by fine upon the application of said Town Constable, or

upon the application of any other person, upon such other person making oath, that he believes or has just cause to believe, that such person or persons, has or have been guilty of a violation of the by-laws of said corporation, so made as aforesaid, and stating specially the offence with which such person or persons are charged, which process shall in all cases be directed to said Town Constable, and shall be returnable before the Mayor of said corporation, at his office at any time except on Sundays.

SEC. 10. *Be it enacted*, That the Mayor of said corporation shall have full power and authority to try and punish all persons for offences against the by-laws of said corporation, and punishable by fine by said board of Mayor and Aldermen, under the power granted in the eighth section of this act. And he shall have full power and authority in case any person or persons shall be convicted before him of any of the offences of which this act gives him jurisdiction; and such person or persons shall be by him fined, and such person or persons shall not immediately pay said fine and costs or secure the same to be paid, to order such person or persons to be confined in the jail of said county until said fine and costs are paid or secured to be paid. And it shall be the duty of the Mayor of said corporation, to keep a docket upon which he shall write out his judgments in the same manner that justices of the peace in this State are now required by law to do; and it shall be lawful for him at any time to take security for the fines assessed by him, together with the costs of suit, and in the same manner that stays of executions may now by the laws of this State be taken by justices of the peace, and the same shall be valid and binding upon said surety or sureties, and it shall be the duty of said Mayor, when any person or persons shall be convicted before him of any of said offences and shall be by him fined, immediately to enter a judgment for said fine and the costs of suit, and if the same shall not be paid before the expiration of the day succeeding the date of said judgment, it shall then be his duty to issue an execution for the same which may be directed to said Town Constable, the Sheriff or any Constable of said county, and said execution shall have the same validity and effect, and be subject to the same rules and regulations, that executions issued by Justices of the Peace, have and are subject to now by the laws of this State; and if any of said officers to whose hands an execution, issued by said Mayor as aforesaid shall come, shall fail to make due and proper return of the

Mayor's jurisdiction

same to the office of said Mayor within thirty days from the date of its issuance; or if he should collect the money or any part thereof on the same, and fail to pay over the same upon demand to the Treasurer of said corporation, he and his securities may in like manner be subject to the same penalties that constables and their securities are now by the laws of this State subject to, for failing to return executions issued by Justices of the Peace, or for failing to pay over money collected on the same, by motion before any Justice of the Peace for said county.

Duties of Jailor. SEC. 11. *Be it enacted*, That it shall be the duty of the Jailor of said county, to receive and keep in jail any person who may be committed by said Mayor to his charge, under the power granted in this act, and all disorderly and riotous persons committed to his charge in the night time by said Town Constable, until they be released, for which he shall receive the same fees as in other cases of imprisonment.

Prisoners—how discharged. SEC. 12. *Be it enacted*, That any person who may be committed to jail by said Mayor, until his fine and costs are paid or secured to be paid, shall after giving said Mayor two days notice, and making an affidavit, which shall be filed in the office of said Mayor, setting forth a true schedule of all his or her property, and that he or she is unable to pay or secure to be paid said fine and costs, be discharged from Jail.

Fees of office. SEC. 13. *Be it enacted*, That the Mayor, the Town Constable, the Treasurer and Recorder, elected under the provisions of this act, shall be entitled to and receive such fees and salaries as may be allowed to them, by the Mayor and Aldermen of said corporation.

Taxes—how collected. SEC. 14. *Be it enacted*, That when any tax or duty shall be levied or imposed by said board of Mayor and Aldermen upon any real estate being within the corporate limits of said Town, and the owner or owners thereof shall not pay said tax or duty, but fail or refuse to pay the same within the year for which said tax or duty was levied, it shall be the duty of the Recorder of said corporation upon the fact being reported to him by said Town Constable that the owner or owners thereof have no personal property upon which he can distrain for said taxes or duties, and that the same remains due and unpaid, to report said real estate to the Circuit Court of said county at the first or second term of the year next succeeding, and it shall be the duty of said court, when such report shall be made, to enter up judgment against said real estate for the

taxes or duties thereon remaining due and unpaid, and said real estate shall be sold by the Sheriff or Tax Collector for said county at the same time and place and in the same manner and under the same conditions, as if the taxes had been and were due the State and county, which sale shall vest the title in the purchaser, as in other tax sales, and said sheriff or tax collector shall pay over to the Treasurer of said corporation any taxes so by him received for said corporation, and upon his failure to do so shall be liable on motion for the amount due as in other cases.

SEC. 15. *Be it enacted*, That all fines, forfeitures and penalties imposed by the by-laws of said corporation, the recovery of which has not already been provided for in this act, if not exceeding fifty dollars, shall be recoverable before any Justice of the Peace for said county, and if exceeding fifty dollars, then in the Circuit Court of said county by action of debt in the name of the Mayor and Aldermen of the town of Huntingdon, which shall be for the use and benefit of said town.

SEC. 16. *Be it enacted*, That it shall be the duty of the Recorder of said corporation, to post on the court house door in said town, as soon as practicable after their enactment, copies of all such by-laws and ordinances as may be enacted by said board of Mayor and Aldermen. By-laws to be published.

SEC. 17. *Be it enacted*, That all laws and parts of laws conflicting with or coming within the perview and meaning of this act, be and they are hereby repealed. Former laws repealed. *Provided*, the Mayor and Aldermen and the officers of said corporation now in office, under a former act of incorporation shall hold their respective offices, and have and exercise all the power granted by said former act of incorporation until their successors are elected and qualified under this act.

SEC. 18. *Be it enacted*, That the charter incorporating the town of Paris, Henry county, Tennessee, be amended so that the qualified voters of said corporation shall elect the Mayor, Town Constable, Recorder and Treasurer in the same way and at the same time that the Aldermen are now elected. Corporation Paris.

SEC. 19. *Be it enacted*, That the Mayor shall be clothed with all the powers of a Justice of the peace within the limits of the corporation, so far as to carry out and enforce the ordinances of the same, and to examine and commit runaway slaves; and that he shall keep an office and docket, for the transaction of such

business as shall properly come before the board of Mayor and Aldermen.

SEC. 20. *Be it enacted*, That this act shall take effect from and after its passage, and that all laws inconsistent with the same are hereby repealed.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed, January 1st, 1850.

CHAPTER XVI.

An Act to incorporate the Nashville and Farmer's Manufacturing Companies.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body corporate and politic, by the name and style of the Nashville Manufacturing Company, for the purpose of manufacturing goods and articles from cotton, wool, and other textile materials; and for constructing engines, locomotives, machinery and implements, is hereby constituted and established, to continue and have succession for the term of ninety-nine years; to make and use a common seal, the same to alter at pleasure; to make such by-laws, not inconsistent with the laws of the State or of the United States, as it may deem useful or necessary for its government; to sue and be sued; to plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same, any real and personal property which may be useful or necessary for carrying on its operations or which it may become possessed of in payment of debts due to it in whole or in part; *Provided*, the cost of such real estate, at any one time so held, shall not exceed the maximum amount of its capital stock hereinafter provided for.

Capital stock.

SEC. 2. The capital stock of said company shall be divided into shares of one hundred dollars, each; which shall be considered in law as personal property; shall consist of not less than five hundred nor more than five thousand shares; shall be transferable only on the books of the company, and then only with the consent of the board of directors or a majority of them in session, unless the whole amount of such stock shall have been previously paid up in full; nor whilst the transferring

stockholder shall in any wise be indebted to the company. The company shall have power to declare forfeited to it any shares of stock which may remain unpaid in whole or in part, or it may sue for and recover such unpaid instalments before any court or other tribunal having jurisdiction over such sums; *provided*, such forfeiture shall not be valid unless made after thirty days notice of such call shall have been made in some newspaper published in the city of Nashville. The said company may, at its pleasure and in such manner as the directory may elect, increase its capital to any sum deemed advisable between the minimum and the maximum amounts heretofore provided for.

SEC. 3. All stockholders not having paid in the calls which shall have been made on their stock, shall be individually liable to the creditors of the company to the amount so remaining unpaid, and in like manner shall the directors be individually bound for any amount they may declare and authorize to be paid to the stockholders as dividends, when at the time of so declaring and paying out, the company shall be unable to pay all debts due by it; to avoid such responsibility on his part the dissenting director shall enter or cause to be entered on the minutes of the board his dissent thereto, or if not present when the act is done, he shall so record or cause to be recorded his dissent thereto, within the space of thirty days after such dividend shall have been authorized.

Liability of stockholders and directors.

SEC. 4. That Samuel D. Morgan, John Stacker, Daniel Hillman, Alexander Allison, John Kirkman, John Waters, John B. Johnson, James A. Porter, Anthony W. Vanleer, William Nichol, John M. Hill, James Woods, W. W. Woodfolk, Tom Smith, John M. Bass, Charles Bailey, Jacob McGavock, Sterling R. Cockrill, James Erwin, Joseph Vault, William T. Elliston, Thomas R. Jennings, M. M. Howard, John Nichol, Willoughby Williams, T. T. Player, Thomas Gale, A. B. Montgomery, are hereby appointed commissioners; who, or any three or more of them, may after having given ten days notice of the time and place or times and places for so doing, open books for subscription to the capital stock of said company, and may keep such books open for subscription until the number of five hundred shares or a greater number as they may decide, (not exceeding the maximum number provided for,) shall have been taken. So soon as the number of shares agreed on by the acting commissioners shall have been subscribed for, they shall give not

Commissioners.

Officers and their powers.

less than ten days notice, and the stockholders may proceed to elect, from their own body, a board of directors, each share entitling its owner to one vote in all elections by the stockholders, who may vote by proxy or in person for the said board of directors or on any question submitted to a meeting of them. The said board of directors shall consist of seven, one of whom shall be elected president; and he and the other members of the board shall hold their places for the term of one year or until their successors shall have been elected; *provided*, a failure so to elect shall in no wise cause a forfeiture of this charter, and, also, provided that no stockholder shall be entitled to vote who may be in arrears of calls previously made on stock owned by him. The said president and board of directors shall elect, appoint or employ all other officers, agents, managers, &c., &c., necessary for conducting the affairs of said corporation, and affix their salaries, and do on behalf of the company all such other acts as are incident to such bodies; the said directory causing to be kept regular minutes of their proceedings which shall be open to the inspection of any shareholder desiring to inspect the same.

Farmers' Manufacturing company.

SEC. 5. That Joseph A. Richardson, William C. Smart, C. C. Coffee, William S. Hord, Thomas Hord, Jonathan Wooten, L. D. Mercer, George R. Smart, Thomas C. Smart, G. W. Smart, Bethel Bell, William S. White, Martha J. White, Mary French, George Savage, H. H. Mason, S. B. Settle, H. H. Harrison, Wm. Saury, Jesse Burrus, S. Pope, Wm. Eagleton, E. D. Wheeler, S. D. Rowan, James Cooper, and all persons who may be or become stockholders, be and they are hereby constituted and established a body corporate and politic by the name and style of the "Farmers Manufacturing Company."

Capital Stock.

SEC. 6. The capital stock of said company shall consist of one hundred thousand dollars which may be increased to any sum not exceeding two hundred thousand dollars, to be divided into shares of two hundred and fifty dollars each.

Privileges and liabilities.

SEC. 7. Said company is incorporated for the same purposes as the "Nashville Manufacturing Company," herein before provided for, and is entitled to all the rights, privileges and immunities, and subject to all the liabilities conferred and imposed on said company by virtue of this act.

SEC. 8. The fourth section of this act shall apply to the Farmers Manufacturing Company in every particu-

lar, except that there shall be elected annually three directors, one of whom shall be President.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 2d, 1850.

CHAPTER XVII.

An Act for the incorporation of the citizens of any town, city or village in the State of Tennessee, who may desire it.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, the inhabitants of any village, town or city in the State of Tennessee, may form to themselves a body corporate, by such name and style as they shall select, and by such name and style shall have perpetual succession; may have and use a seal; and may by such name and style, sue and be sued, plead and be impleaded; may have, receive, purchase, and hold property, whether real or personal; and may grant, sell and dispose of the same for the use and benefit of their several incorporations.

SEC. 2. *Be it enacted,* The several corporations which General Powers. may hereafter be formed under this act, shall have full power and authority to enact such by-laws and ordinances as may be necessary and proper to preserve the health, quiet, and good order of their several towns, villages, or cities; to prevent or remove nuisances, to establish night watches or patrols; to punish breaches of good order committed within the corporate limits of their said several towns, villages, or cities; to ascertain and declare, when necessary, the boundary of streets and alleys of their several villages, towns or cities; to grant privileges of the use and enjoyment of streets and alleys; to sell or dispose of them if deemed expedient or necessary; to provide for the licensing, regulating, and taxing of auctions, theatrical and other shows, and exhibitions; to restrain and prohibit gaming; to prohibit the exhibition of stallions and jacks within the limits of said corporation; to pass by-laws and ordinances proper for the paving of streets, alleys, and side walks; to establish and regulate markets and

inspection; to provide for the establishment and regulation of fire companies, and the sweeping of chimneys; to dig wells and erect cisterns; to erect pumps on the streets or public grounds; to impose and collect fines and forfeitures for breaches and violations of the by-laws and ordinances of their several corporations; to lay and collect taxes upon all property and privileges within their several corporations, which are taxable by the laws of this State, or which may hereafter be taxable by law; *Provided*, That such corporation shall in no case assess a higher tax upon polls, in proportion to property, than is now prescribed by law, for State taxation in this State; to tax ball, nine pin, and ten pin alleys; and to pass all by-laws and ordinances, necessary and proper to enforce the powers granted to the several corporations which may be hereafter created under this act, not inconsistent with the constitution and laws of the United States, or of the State of Tennessee.

Fines and forfeitures—how recoverable.

SEC. 3. *Be it enacted*, That all fines and forfeitures imposed by the by-laws and ordinances of the several corporations, which may be hereafter created under this act, not exceeding the sum of fifty dollars shall be recovered by action of debt before any justice of the peace of the county where said corporation may be formed; and for sums exceeding said amount, before the circuit court of their respective counties.

Elections.

SEC. 4. *Be it enacted*, That on the first Saturday in January, of each and every year, the sheriffs of the several counties, when any town, village, or city may be hereafter incorporated, under the provisions of this act, either by himself or deputy, shall open and hold an election, within the specified corporate limits of said town, village or city, after giving two days notice of the time and place, for seven Aldermen, who shall respectively hold their offices for twelve months and until their successors shall be elected and qualified; and all persons living within the corporate limits of said village, town, or city; and all persons owning real estate in said corporate limits, and who shall have been residents thereof for six months previous to said elections; and all who are otherwise entitled to vote for members to the General Assembly of this State, shall be entitled to vote in said elections; and no person shall be eligible to the office of alderman, unless he shall at the time of his election reside within the corporate limits of the town, village, or city, in which he may have been elected; said elections shall be adjudged by the citizens of the said several corporations, to be appointed by the sheriffs aforesaid, and also by them qualified; the polls

to be opened at the several places previously designated by the different sheriffs at 12 o'clock, M., and closed at 4 o'clock P. M.; immediately after which elections, the several sheriffs shall deliver to the seven persons having the highest number of votes in their respective corporations, a certificate of their election, and the board of mayor and aldermen, after their organization as provided for in this act, shall have full power to appoint suitable persons to hold elections to elect their successors instead of the sheriff.

SEC. 5. *Be it enacted*, That it shall be the duty of the aldermen so elected, as aforesaid, on the Tuesday succeeding their election, to meet at some convenient place within the limits of their respective corporations, and upon the presentation of their certificates of election to some justice of the peace of the county in which their respective corporations may be situated, he shall administer to them an oath of office to the effect, that they shall faithfully demean themselves as such during their continuance in office; and thereupon the said several boards of aldermen, a majority of each board being sufficient to constitute a quorum to transact business, shall organize themselves respectively, and proceed to elect one of their body to preside as mayor for the current year, and until his successor shall be appointed; and also for each corporation, their respective boards of aldermen shall elect a recorder, Recorder. Treasurer and Constable. treasurer and constable, each of whom shall enter into bond with sufficient security, to be approved of by the mayor of their respective corporations, faithfully to collect, and pay over as required by their several boards of mayor and aldermen, all taxes, fines, forfeitures, &c., &c., which may be due and owing to their said several corporations, and the said recorder and treasurer and constable shall respectively hold their offices for one year, and until their successors shall be appointed.

SEC. 6. *Be it enacted*, That all vacancies for aldermen, Vacancies. and other officers in said corporation, shall be filled, for the residue of the term, by the board of aldermen and mayor, in office; and the person so appointed by them shall possess the same qualifications for office as required in the fourth section of this act.

SEC. 7. *Be it enacted*, That it shall be the duty of the constable thus appointed in each and every corporation organized under this act, faithfully to collect and pay over to the treasurer of their respective corporations, on the first Monday in January and July, annually, all taxes, fines and forfeitures due and owing their respective corporations; and on failure, shall be liable, by mo- Constable's duties.

tion, for the amount of their respective delinquencies, with costs, before the circuit court of the county in which their corporation may be situated; and also liable to be removed for any misconduct in office at the pleasure of the mayor and aldermen.

Officers to give bond.

SEC. 8. *Be it enacted*, That the several persons who may be elected to fill the offices of treasurer, constable and recorder, in their respective corporations created under this act, shall, before they enter upon the discharge of the duties of their several offices, enter into bond and good security, to be approved of by the mayor, and the amount of each bond to be determined by the respective boards of mayor and aldermen, conditioned that they will faithfully demean themselves in the performance of the duties of their respective offices; and they shall be entitled to and receive such fees and salaries as may be allowed to them by the mayor and aldermen of their respective corporations.

Shall petition County Court for charter.

SEC. 9. *Be it enacted*, That when the inhabitants of any village, town or city, in the State of Tennessee, may desire to avail themselves of the privileges of this act, they shall prefer their petition to the county court of their respective counties, in which they shall set out in plain language such desire, and describe with certainty the metes and bounds of their respective corporations; and it shall be the duty of the county court of the several counties, twelve acting justices being present upon the presentation of such petition, to have the same spread upon the minutes of their respective courts and a copy of the entry properly certified to be registered in the register's office of the several counties.

Fees.

SEC. 10. *Be it enacted*, That the clerks of the several county courts in this State, and the registers of said counties, shall each receive the sum of one dollar from the petitioners, under this act, for the services required of them by the ninth section of the same.

Wards.

SEC. 11. *Be it enacted*, That the Mayor and Aldermen of any corporation created under this act, shall have full power and authority, if they should think best, to divide their respective corporations into as many wards as they may deem necessary for the comfort, happiness and welfare of the inhabitants of their respective corporations.

Taxes.

SEC. 12. *Be it enacted*, That when any tax or duty shall be levied or imposed by the Mayor and Aldermen of said several corporations, upon any real estate lying within the limits of their respective corporations as marked out and designated by the petition required by this act, and the owner and owners thereof shall not

pay said tax or duty, but fail and refuse to pay the same within the year for which said tax or duty was levied or imposed, it shall be the duty of the recorder of each and every corporation, when such refusal or failure may occur, upon the fact being reported to him by the constable of their respective corporations, that the owner or owners have no personal property upon which he can distrain, to report said real estate to the circuit courts of their respective counties, at the first or second terms of the year next succeeding; and it shall be the duty of the respective courts of the several counties in this State, when such report shall be made, to enter up judgment against the said real estate for the taxes or duties remaining due and unpaid thereon; and the said real estate shall be sold by the sheriff of the several counties in this State, at the same time and place, and in the same manner, and under the same conditions, as if taxes had been and were due the State and county; and which shall vest the title in the purchaser as in other tax sales, and the sheriffs shall pay over to the treasurers of each and every corporation, any taxes so by him received for said several corporations, and upon his or their failure, shall be liable, on motion, for the amount due, and cost, as in other cases.

SEC. 13. *Be it enacted*, That it shall be the duty of ^{Duty of Jailors.} the several jailors of the different counties in this State to receive and keep in jail, any person who may be committed to his charge for a breach of the by-laws and ordinances of any of the corporations which may be organized under the provisions of this act; and all disorderly and riotous persons committed to their charge in the night-time, by the town constable of the several corporations organised under this act, for which he shall receive the same fees as in other cases of imprisonment. *Provided, however*, that if any corporation organized under this act, shall build for its own use a lock up houses, that the riotous or disorderly persons who may be apprehended during the night time may be placed there for safe keeping, until otherwise disposed of.

SEC. 14. *Be it enacted*, That on failure of the sheriffs ^{Elections.} of the several counties to advertise and hold the election for Aldermen at the time specified in the fourth section of this act, it may and shall be lawful for the said sheriffs to hold the same at any time on giving the notice as required by said section. *Provided*, that the Mayor and Aldermen of any town may have the privilege of blending the offices of recorder and treasurer,

and devolving the duties of the two offices on one individual.

SEC. 15. *Be it enacted,* That if the inhabitants of any village, town or city now incorporated, desire to extend the boundaries of said village, town or city, the same may be done in the same way and manner as provided for the incorporation of other towns, villages or cities. *Provided,* that two thirds of the voters included in the new extension, vote in favor of such extension.

SEC. 16. *Be it enacted,* If from any cause whatever, elections for corporate officers should not be held at the time specified in the charter of any village, town or city, the charter incorporating such village, town or city shall not by reason of the failure to hold such election at the proper time, be forfeited, or discontinued; but it shall be lawful for the officer or other person authorized under such charter, to proceed at any time, on giving the inhabitants of such village, town or city at least five days notice thereof, by advertisement in some newspaper printed therein, or by written or printed notices at four or more public places in such village, town or city, to proceed to hold such election. And the person or persons duly elected, shall be entitled to the insignia and emoluments of the office to which he or they may be elected, with all the privileges and powers, and the right to exercise the same as fully and completely as if he or they had been duly elected on the day designated in the charter of incorporation.

SEC. 17. The city, town or village authorities shall have power to levy a tax, not exceeding the State tax, upon all property, privileges, polls, &c., for the purpose of education, when a majority of the legal voters of said city, town or village so directs.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 7, 1850.

CHAPTER XVIII.

An Act to amend and re-enact an act entitled "An act to incorporate the Henderson and Nashville Railroad Company," passed by the Kentucky Legislature and approved February 8th, 1837.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of establishing a communication by Rail Road, between the town of Henderson, Kentucky, to the city of Nashville, Tennessee, through the States of Kentucky and Tennessee, to terminate on the north side of Cumberland river, at some central or convenient point to the city of Nashville, the formation of a company is hereby authorized, which, when formed, shall have corporate existence in each of the States aforesaid. *Provided,* Said company shall have the privilege of crossing said river and conveying to the city, from its depot on the north side of the river, freights and passengers in cars drawn by animal power. Incorporation.

Sec. 2. *Be it further enacted,* That the books for subscriptions for fifteen thousand shares of capital stock for said company, of one hundred dollars each, shall be opened on the first Monday in June next, and shall be kept open for one hundred days, between the hours of ten o'clock in the morning, and four o'clock in the evening of each of those days, at the following places, and at such other places in the United States as the following commissioners or a majority of them may designate: in the town of Henderson, Wyatt H. Ingram, George Atkinson, James Rouse, John D. Anderson, Samuel Stites and James Alves; in the town of Madisonville, Samuel Woodson, John Ray, Frank Wilkins, John B. Frost, Willis Younger and Ambrose G. Gordon; in the town of Hopkinsville, John P. Campbell, John Stites, Fidelio C. Sharp, James F. Buckner, Henry J. Stites and Ninion E. Gray; in the city of Nashville, Col. Ephraim H. Foster, Dr. John Shelby, John P. Johnson, Col. Matt. Martin, C. Connor and J. P. W. Brown; in the town of Clarksville, Hon. M. A. Martin, G. A. Henry, Edward Howard, Thompson Anderson, Wesley Wheeler and Peter Peacher; who shall have the power to appoint three or more persons in any of the towns or neighborhoods in the State of Tennessee or Kentucky, and in any town or city in the United States or Great Britain, to open books for a similar purpose, and to fix such days as they may think proper, before the first day of June next, for opening books and receiving subscriptions for capital stock. Capital Stock.

Sec. 3. That any three of the above named commis- Commissioners.

Open Books.

sioners, or of such persons as may be appointed by them for that purpose, shall, at each of the places named, or such as may be named and designated, open books and receive subscriptions for stock in the said Rail Road company, during the times the said books are directed to be kept open; and on each share so subscribed, shall demand and receive the sum of five dollars, without which the subscription shall be void.

Central Commission.

Sec. 4. That so soon as the time for receiving subscriptions so as aforesaid, shall have expired, the said commissioners shall respectively deposite all the money, so received by them, in some incorporated Bank, redeeming its notes in specie, in the State where the notes shall have been received, to the credit of the Henderson and Nashville Railroad Company, and shall also forward a correct list of all the subscribers to the said stock, with the number of shares each subscriber has taken, to a central commission, to be composed of the following persons; Wyatt H. Ingram, of Henderson; Samuel Woodson, of Madisonville; Fidelio C. Sharp, of Hopkinsville; Mat. Martin, of Nashville, and Edward Howard, of the town of Clarksville, who, or a majority of whom, shall meet at the town of Hopkinsville, in the State of Kentucky, on the first Monday in November, 1850, and ascertain the whole number of shares taken in said company, and publish the same in some newspaper in the city of Nashville, and the town of Henderson, on or before the third Monday of November, 1850; and if the number of one thousand shares shall have been subscribed, in each of which there shall have been paid the sum of five dollars, the Henderson and Nashville Railroad Company shall be regarded as formed, and the said central commission or a majority of them, shall sign and seal four duplicate declarations to that effect, with the names of all the subscribers appended, and cause one of these duplicates to be deposited in the offices of the Secretaries of the States of Kentucky and Tennessee; and thenceforth, and from the day of closing the books of subscription, as aforesaid, the said subscribers of the stock shall form one body politic and corporate in deed and in law, in the States aforesaid, by the name and for the purpose aforesaid.

Company—when formed.

Sec. 5. That in case any of the persons forming said central commission shall not attend at Hopkinsville on the first Monday in November, 1850, or, attending, should refuse or be unable to act, the remaining member or members of said central commission, shall forthwith fill the vacancy; and the person or persons,

so appointed, shall constitute a part of said commission.

SEC. 6. But if, on closing the Books aforesaid, the number of one thousand shares shall not have been subscribed, then and in that case, the said central commission, by themselves or their agents, may receive subscriptions from any of the States of Indiana, Kentucky, Tennessee, South Carolina, Georgia, and also, from individuals or bodies corporate, until the number of ten thousand shares shall have been subscribed; *Provided*, the same shall be done on or before the first day of January, 1855, and when the said number of fifteen thousand shares shall have been subscribed, the said subscription shall be closed, the subscribers shall thenceforth form a body corporate as aforesaid, and the declaration thereof shall be made and deposited in the offices of the Secretaries of State in manner aforesaid; subscriptions for stock received by the said central commission or their agents, shall be accompanied with the certificate of some specie paying bank, in some of the said States, that an amount equal to five dollars on each share subscribed, has been deposited therein by the subscribers, to the credit of the said company.

States and Corporations may take stock.

SEC. 7. If on closing the books on the first day of January, in the year of our Lord one thousand eight hundred and fifty-five, the number of one thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him, by one or more of the commissioners who received it, endorsing on the receipt given for it a check on the bank where it has been deposited, which the Bank shall be bound to pay only in case the central commission, or a majority of them, shall have published a declaration that the formation of the company has failed for want of fifteen thousand shares being subscribed.

Money, how re-funded.

SEC. 8. The said Henderson and Nashville Rail Road Company, so formed as aforesaid, shall have succession of members for ninety-nine years, may have a common seal, may sue and be sued, plead and be impleaded, in any court of law or equity, and may make all such regulations, rules and by-laws, as are necessary for the government of the corporation, or for effecting the object for which it is created; *Provided*, such regulations, rules and by-laws, shall not be repugnant to the laws and constitutions of the said State, or the United States; *Provided*, that notice or service of process upon the principal ostensible agent of the company, in the State from whose court that process emanated, shall be deemed and taken to be due and lawful

Powers of Company.

notice or service of process upon the company so as to bring it before the court.

Directors.

SEC. 9. The affairs of said company shall be managed and directed by a board to consist of ten directors, of whom four shall be elected from stockholders residing in the State of Kentucky, and three from the stockholders residing in the State of Tennessee, and the remaining three shall be elected from among all the stockholders, without regard to their place of residence.

President.

SEC. 10. The President of the company shall be elected by the directors from among their own members, in such manner as the regulations of the corporation may prescribe.

Election of Directors.

SEC. 11. As soon as the number of one thousand shares shall have been subscribed, in manner aforesaid, it shall be the duty of the commissioners appointed to declare the same, to appoint a time for the stockholders to meet at Hopkinsville, in the State of Kentucky, which they shall cause to be published in one or more newspapers, published in each of the States of Kentucky and Tennessee, at which time and place the said stockholders in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations, rules and by-laws, as may be necessary for the government of the corporation and the transaction of its business; the persons elected directors at this meeting shall serve for such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places where the subsequent elections of Directors shall be held, and such elections shall thenceforth be annually made; but if the annual election should pass without any election of directors, the corporation shall not be thereby dissolved; but it shall be lawful, on any other day to hold and make such elections, in such manner as may be prescribed by a by-law of the corporation.

Vacancies in the Board.

SEC. 12. The board of directors may fill up all vacancies which may occur in it, during the period for which the board shall have been elected and on the absence of the President may fill his place by electing a President *pro tempore*.

SEC. 13. All contracts and agreements authenticated by the President of the Board shall be binding on the company without seal, or such other mode of authentication may be used as the company by their by-laws may adopt.

Sec. 14. The Board of directors shall not exceed in their contracts the amount of the capital of the corporation, and of the funds which the company may have borrowed and placed at the disposal of the Board, and in case they should do so, the President and Directors who may be present at the making such contract or contracts, so exceeding the amount aforesaid, shall be jointly and severally liable for the excess, both to the contractor or contractors, and the corporation; *Provided*, That any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded on the minutes of the Board, and giving notice thereof to the next general meeting of the stockholders.

Contracts not to exceed Capital and assets.

Sec. 15. The company shall have power and may proceed to construct, as speedily as their means will permit, Railroads with one or more tracks, to be used with steam, animal, or other power, which will pass through the State of Kentucky or Tennessee, so as to form continuous lines of said road between the town of Henderson and the City of Nashville, and the lines of which road shall be established by the Board of Directors subject to the control of stockholders at a general meeting; the said company may use any section of the rail road by them to be constructed before the whole shall be completed, subject to the rates hereinafter mentioned; *Provided*, that said contemplated road shall be so located as that in its course it shall touch at the town of Clarksville in the State of Tennessee, in such manner as to afford to said town all the benefits of which the road is capable, and there shall be a convenient and suitable depot established at some proper place in said town of Clarksville by the company, adequate to the business, commerce and trade of said town.

Location and use of road.

Clarksville.

Sec. 16. The said company may by consent of the Legislatures of Tennessee and Kentucky, construct branches of their road; *Provided*, such branches shall not conflict with any chartered rights, existing at the time of their construction; and *provided*, that they shall be attended with no exclusive privileges, except the exclusive right of transportation of goods, wares, merchandise, produce and persons thereon, subject to the rates hereinafter mentioned; and *provided also*, that nothing in this act shall prevent the State, through which any part of the said main road or its branches may pass, from establishing rights of way across such main road or branches.

May construct Branches.

Sec. 17. That the said company shall have the exclusive right of transportation or conveyance of per-

Rates of Transportation.

sons, goods, wares, merchandise and produce over the said rail road and its branches by them to be constructed; *Provided*, that the charge for transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement, for every hundred miles, and five cents a mile for every passenger; *and provided also*, that the said company may, when they see fit, farm out their right of transportation on the said road or any of its branches, subject to the rates above mentioned.

Common carriers. Sec. 18. The said company, and every person who may have received from them the right of transportation of goods, wares, merchandise and produce over the said road, shall be deemed and taken to be common carriers, as respects all goods, wares, merchandise and produce entrusted to them for transportation.

Calls of Stock. Sec. 19. The Board of Directors may call for the payment of ninety-five dollars on each share of the stock, in sums not exceeding five dollars, in every sixty days, except that after eighty dollars have been paid in each share, the remaining twenty dollars may be called for in two instalments, which shall be at least sixty days apart, or the payments may be called for in smaller sums, and at more distant periods; the call for each instalment shall be advertised in one or more newspapers in Nashville and Henderson, and at such other places as may be directed by the rules of the company, at least one month before the time the same is to be paid; according to the rules of the company, any of the instalments, so called for as aforesaid, shall induce a forfeiture of the share or shares, on which default shall be so made and all payment thereon; and the same shall vest in and belong to the company, and may be restored to the owners by the Board of Directors, if they deem proper on the payment of all arrears on such shares and legal interest thereon, or the Directors may sue the stockholders for their instalments due at their discretion.

Sec. 20. The stock in said company may be transferred in such manner and form, as may be directed by the laws of the company.

May increase capital. Sec. 21. The said company may at any time increase its capital to a sum sufficient to complete the said road or its branches and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, on the mortgage of its charter and works; and

the manner in which the same shall be done in either case, shall be prescribed by the stockholders at a general meeting.

SEC. 22. It shall be lawful for the said company, from time to time, to vest so much or such parts of their capital or of their profits, as may not be required for immediate use, until it may be so required in the public stocks of either of the States of Tennessee and Kentucky, or of any incorporated banks in the said States; *Provided*, the sums so invested shall at no one time exceed one half million of dollars.

May invest capital of profits.

SEC. 23. The Board of Directors shall once in every year, at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener, if directed by a by-law, and shall have power to call a general meeting of the stockholders, when the Board may deem it expedient; and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof, and the company may provide by a by-law for the votes of stockholders for Directors being taken at more than one place, as also, for taking their votes on any question relative to the repeal, alteration, or amendment of, or addition to any of the rules, regulations or by-laws of the company proposed by the general Board of Directors.

Directors to report.

SEC. 24. No person but a citizen of the United States, and being a *bona fide* stockholder, in his own right, of at least twenty shares, which he shall have held at least three months previous to his election, (except at the first election,) shall be President or a Director of the general board: nor shall any stockholder vote in person or by proxy, at any general or other election (except the first) who shall not have held in his own right the share on which he offers to vote at least three months previous to such election.

Qualifications of President and Directors.

SEC. 25. The stockholders may provide by a by-law as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for transacting business at any regular or occasional meeting of stockholders or directors.

SEC. 26. No members of the Board of Directors or officers or agent of the company, shall be directly or indirectly interested in any contract for work; nor shall any director vote on the passing of any bill for materials in which he is directly or indirectly concerned; nor shall any director, officer, or agent be interested directly or indirectly in the purchase of lands, buildings, or any other property immediately on the line of said

railroad or any branches thereof, without having first offered to the Board of Directors in writing the right of pre-emption, to alter any part of such lands, buildings, or other property, which the said Board may think proper to purchase for the use of the company, and every director, officer or agent, violating this provision, may be removed from the Board, his office, or employment by vote of the directors; and every purchase, made in violation of this rule, shall enure to the benefit of the company, if the Board of Directors choose to avail themselves thereof.

Proxies.

SEC. 27. Any Stockholder in the company may vote by proxy, who must be a resident citizen of the United States, and before he votes he may be required by a Stockholder to swear, that to his belief the stock *bona fide* belongs to the person whom he represents; before any stockholder votes in his own right or for an estate he may be required by any stockholder to swear that he is the *bona fide* owner of the said stock in his own right or as the legal representative of the testator or intestate whom he represents, and that no person but himself or the estate is directly or indirectly interested therein to his belief; any State holding stock may vote by such person as the Legislature or Governor thereof may appoint, or as may be appointed in any other way pursuant to the laws of the State made for that purpose.

Scale of voting.

SEC. 28. That in the election of directors, and in voting on all questions which may come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the votes shall be taken according to the following scale; the owner of one or two shares shall be entitled to one vote; the owner of not less than three, nor more than four shares, shall be entitled to two votes; the owner of not less than five, nor more than six shares shall be entitled to three votes; the owner of not less than seven, or more than eight shares, to four votes; the owner of not less than nine, nor more than eleven shares, to five votes; the owner of not less than twelve, nor more than fifteen shares to six votes; the owner of not less than sixteen, nor more than twenty shares, to seven votes; the owner of not less than twenty-one, nor more than twenty-six shares to eight votes; the owner of not less than twenty-seven shares, nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four, nor more than forty shares, to ten votes; and the owner of every ten shares above forty shall be entitled therefor to one vote. *Provided,*

that no individual, corporation, or state, holding stock in said company, shall be entitled to more than two hundred votes, and one vote for every fifty shares over three thousand shares; any person being a subscriber or stockholder, who may offer to vote as a proxy, may be required by any subscriber or stockholder to swear that he has no interest, directly or indirectly, in the stock on which he offers to vote as proxy; a trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestui-que trust* holds other shares, either in his own name, or in the name of another trustee; but the *cestui-que trust* may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid.

Sec. 29. The said company may purchase, have and hold, in fee or for a term of years, any lands, tenements, or hereditaments which may be necessary for the said road, or any branch, or appurtenance thereof, or for the erection of depositories, store-houses, houses for the officers, servants or agents of the company, or for workshops, or for founderies, to be used for the said company, or for procuring timber, stone, or other materials, necessary to the construction of the road, its branches or apparatus, or for effecting transportation thereon, and for no other purpose whatever. Company may hold bond.

Sec. 30. The said company shall have the right, when necessary, to conduct the said railroad, or any branch thereof, across or along any public road or watercourse; *Provided*, that the said road and the navigation of such water course shall not be thereby obstructed. Not to obstruct roads or water-courses.

Sec. 31. The said company may purchase, have and hold, any bridge or turnpike road over which it may be necessary to carry the said rail road; and when such purchase is made to hold the said bridge or turnpike road on the same terms and with all the rights which belong to the individual, individuals or corporation from which such purchase may be made; *Provided*, that the said company shall not obstruct any public road without constructing another as convenient as may be. May purchase bridges and other roads.

Sec. 32. That where any lands or right of way may be required by the said company for the purpose of constructing their road and for want of agreement as to the value thereof, or from any other cause the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners or a majority of them, to be appointed by any court of record having common law jurisdiction, in the county or district where some part of the Damages.

land or right of way is situated; and the said commissioners, before they act, shall severally take an oath before some Justice of the Peace, faithfully and impartially to discharge the duty assigned them; in making the said valuation, the commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land being taken, or the right of way surrendered, and also, the benefit and advantage, he, she, or they may receive from the erection or establishment of the rail road or its works, and shall state particularly the nature and amount of each, and the excess of loss and damage, over and above the benefit and advantage; shall form the measure of valuation of the said land or right of way; the proceedings of the said commissioners, accompanied with a full description of the land or right of way, shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission issued, there to remain of record; in case either party to the proceedings shall appeal from the said valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted, and the parties shall have the right of appeal to the Supreme Court, or Court of Appeals; the party appealing shall be governed in all respects by the laws regulating appeals in the State, where said case or cases may be tried, and the lands or right of way so valued by the commissioners or jury, shall vest in the said company in fee simple so soon as the valuation may be paid, or when refused may be tendered; when there shall be an appeal as aforesaid from the valuation of the commissioners, by either of the parties, the same shall not prevent the works intended to be constructed from proceeding; but where the appeal is made by the company, requiring the surrender, they shall be at liberty to proceed in their work only on condition of giving the opposite party a bond with good security, to be approved of by the clerks of the court where the valuation is returned, in a penalty equal to double the valuation, conditioned for the payment of the said valuation and interest, in case the same be sustained; and in case it be reversed for the payment of the valuation thereafter to be made by the jury and confirmed by the court.

SEC. 33. In the absence of any contract or contracts with the said company, in relation to lands through which the said road or its branches may pass, signed by the owner thereof, or by his agent or any claimant in possession thereof, which may be confirmed by the owner thereof; it shall be presumed that the land upon which the road, or any part of its branches, may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner or owners thereof, and the said company shall have good right and title thereto and shall have, hold and enjoy the same, to be used only for the purposes of the said road and no longer, unless the person or persons owning the said land, at the time that part of the said road, which may be on the said land, was finally surveyed and located, or those claiming under him, her or them, shall apply for an assessment of the value of said lands as herein before directed, within one year after that part of the said road was finally surveyed, and located and he, she, or they, notified thereof in writing; and in case the said owner or owners, or those claiming under him, her or them, shall not apply for such assessment within one year after the said part was finally surveyed and located, and he, she or they notified thereof as aforesaid, he, she or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor; *Provided*, that nothing herein contained shall affect the rights of *feme covert*s or infants, until two years after the removal of their respective disabilities.

SEC. 34. All lands not heretofore granted to any person, nor appropriated by law to the use of the State, within one hundred feet of the centre of said road or its branches, which may be constructed by the said company, shall vest in the company so soon as the line of the road is definitely laid out through it, and any grant thereafter shall be void.

SEC. 35. That if any person or persons, shall intrude upon the said rail road, or any branch thereof, or part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission or contrary to the will of said company, he, she, or they shall forthwith forfeit to the said company all the vehicles that may be so intruded on the said road, and the same may be recovered by suit at law; and the person or persons so intruding may also be indicted for a misdemeanor, and upon a conviction fined and imprisoned by any court of competent jurisdiction.

Introducers, how
punished

Trespassers, how
punished.

SEC. 36. If any person shall wilfully or maliciously destroy, or in any manner hurt, damage or obstruct, or shall wilfully and maliciously cause, or aid, or assist, or counsel and advise, any other person or persons to destroy, or in any manner to hurt, damage, injure, or obstruct the said rail road, or any branch thereof, or any bridge or vehicle used for or in the transportation thereon, such person or persons, so offending, shall be liable to be indicted therefor, and, on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty dollars, at the discretion of the court before which such conviction shall take place; and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause to defend himself by pleading, or giving in evidence, that he was owner, or agent, or servant of the owner of the land where such destruction, hurt, damage, injury, or obstruction was done or caused at the time the same was caused or done.

Obstruction
nuisance.

SEC. 37. Every obstruction to the safe and free passage of vehicles on said road, or its branches, shall be deemed a public nuisance and may be abated as such by any officer, agent, or servant of the company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

Charges for stor-
age.

SEC. 38. That the said company shall have the right to take at the store houses they may establish on, or annexed to their railroad or the branches thereof, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they by rules may establish, which they shall cause to be published, or as may be fixed by agreement with the owner; which may be distinct from the rates of transportation. *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandise or produce, which may be delivered to them at their regular depositories for immediate transportation and which the company may have the power of transporting immediately.

Profits.

SEC. 39. The profits of the company or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

Exempt
Taxation.

SEC. 40. That the capital stock in the said company, the dividends thereon and the road and its fixtures,

depots, workshops, warehouses and vehicles of transportation, belonging to the said company, shall be forever exempt from taxation in each and every of the said States of Tennessee and Kentucky; and it shall not be lawful for either of the said States, or any corporate or municipal police or other authority thereof, or of any town, city, county or district thereof, to impose any tax on such stock or dividends, property or estate; *Provided*, the stock or dividends, when the said dividends shall exceed the legal interest of the State, may be subject to taxation by the State, in common with and at the same rate as money at interest or interest thereon, and when the State shall impose a tax on the dividends declared in favor of the Stockholders of the company, the tax shall extend only to such proportion of the said dividends and capital stock, as the part of the road in that State shall bear to the whole road, from the profits of which the said dividends have arisen; which tax, when imposed, shall be retained by the company out of said dividends and paid to the State; but no tax shall be imposed, so as to reduce the part of the dividends to be received by the stockholders below the legal interest of the State.

SEC. 41. That the following officers and persons in the actual service of the said company be, and are hereby exempt from the performance of jury and ordinary militia duty; viz: the President of Board of Directors; the Chief and Assistant Engineers, the Secretaries, Auditors and Accountants of the Board, Keepers of the depositories, Guards stationed on the road to protect it from injury not exceeding one man to every five miles, and such persons, as may be working the Locomotive engines and travelling with cars for the purpose of attending to the transportation of goods or passengers on the road, not exceeding one engineer and his assistant, and the necessary firemen to each locomotive engine; and one person to each passenger car and every five cars for transporting goods.

Who exempt
from civil and
military duty.

SEC. 42. The said company is hereby expressly prohibited from carrying on any banking operations, and from effecting any insurance on lives or property except on goods transported on said railroad or its branches, or in the company's custody, for or in consequence of such transportation.

Banking prohibited.

SEC. 43. And the said company shall be entitled on- ly to such powers and privileges, as shall be granted to it by all the Legislatures incorporating it, and the powers necessary and proper to give them effect, and shall be subject to all the restrictions and disabilities, which

Powers and priv-
ileges.

may be imposed on it, by either of the said Legislatures, by the act of incorporation; so that its powers, privileges and disabilities, may be similar in all the States of Kentucky and Tennessee.

Branch roads.

SEC. 44. Any individual, individuals, bodies corporate, or States, may construct branches to unite with the main road from Henderson to Nashville, or any branch thereof, with the permission of the Legislature of the State where such branches may be situated, and by and with the written assent of the President and Directors of said railroad company, and it shall be the duty of the said company, when required, to receive on their road and its branches the fully loaded freight cars from such branches, so to be united with them, and to transport the same to their point of destination and to return them if required, without charging the loads thereon, or charging for the transportation of the goods, wares, merchandise and produce therein, any greater rate of freight than they charge for similar goods, wares, merchandise and produce, in their own cars. *Provided*, That the company shall not be compelled to receive any such cars on their road or branches, unless they are constructed in the same manner and are of equal strength with their own cars, of which the engineers of that section of the main road shall be the judge; *and provided*, that the company shall not be compelled to receive any car from such branches without receiving payment for at least twenty miles transportation; *and provided also*, that the said company shall be entitled in all respects to similar and equal privileges, on any branches constructed to unite with their road or branches, subject to the same restraints.

When to complete.

SEC. 45. That the company shall begin the construction of said road within five years from the first day of January, eighteen hundred and fifty, and complete the main road from the termination at Henderson to Nashville, within fifteen years from and after the passage of this act.

Proceedings when road out of repair.

SEC. 46. When the road shall be completed from the termination at Henderson to Nashville, it shall be the duty of the company to keep all parts thereof in a state for regular transportation on the whole-length thereof; and in case the said railroad shall be out of repair, or so injured in any part, as to interrupt the transportation thereon, it shall be the duty of the company with due expedition to repair the same, and in case the company should neglect unreasonably so to do, it shall be lawful for any judge of the court of last resort, having general chancery powers in the State, where such re-

pair is required, at chambers, after due notice to the company, to make an order that no charge shall be made for transportation of goods, wares, merchandise or produce on any part of said road within twenty-five miles of said interruption, which order shall not release the company from their obligation to transport on all the parts of the road which may be in repair: *Provided*, That no such order shall be made when it shall appear to the Judge, that the company has used due diligence, to make the said repair, or that the part injured is incapable of being restored, or that another line of road or another mode of conveyance may be, beneficially to the public, substituted in place of the part injured or out of repair, which order of the Judge shall be and continue in force only until the expiration of ten days after the next meeting of the court of last resort, of which the said Judge shall be a member, unless the same shall be confirmed by the said court; and any Judge of the said court, at chambers, may repeal such original or confirmed order, on evidence that the injury is repaired or the substitute provided and transportation is resumed on that part of the road embraced in said order.

SEC. 47. That the said President and Directors, or a majority of them, may appoint all such officers, agents, engineers and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they or a majority of them shall have power to fix and determine by contract the compensation of all the engineers, officers, agents, servants and others, in the employment of the said company, and to regulate by their by-laws, the manner of adjusting and settling all accounts, in favor of or against the company: That they, or a majority of them, shall have power to erect buildings and depots for the storage and safe keeping of articles entrusted with them for transportation, and for work-shops, offices and other purposes necessary for the business, or for the safe keeping of the locomotives, cars, and other property of the company, and they, or a majority shall have power to direct the manner and by what evidence the stock in said company may be transferred.

SEC. 48. The President, or Directors, or a majority of them, shall have power to cause such examination and surveys to be made, for the routes of said railroad as may be necessary to the selection by them of

the most advantageous line, route, course or way for said railroad, and shall, as soon thereafter as practicable, select and determine the route on which said railroad shall be constructed, and locate the same.

May borrow money. SEC. 49. That the said corporation shall have power and authority to borrow not exceeding seven hundred and fifty thousand dollars, at an interest not exceeding seven per cent. per annum, and pledge or mortgage the road or any other property, or any part thereof belonging to the company, to secure the payment of the money so borrowed, and may issue bonds or certificates of stock therefor; but no bonds, certificates of stock or notes shall be issued to circulate as bank notes.

Clarksville may take stock SEC. 50. The town of Clarksville shall have power to subscribe for stock in said road by the Mayor thereof, *provided* he shall be so instructed by a vote of the qualified voters in said town, taken upon the question at an election opened and held for that purpose at a day fixed by the Mayor and Aldermen, and notice given by the Mayor of twenty days, as is required in other elections.

Charter may be amended. SEC. 51. This charter shall be amendable from time to time by the Legislatures of the States of Kentucky and Tennessee, whenever the President and Directors shall unanimously petition for amendments, specifying in the petition the nature of such amendments; and when such amendments shall be adopted by the Legislatures of the States of Tennessee and Kentucky, and submitted to the directory, and be accepted and adopted unanimously by the President and Directors, they shall be obligatory on the stockholders; and not otherwise.

SEC. 52. That the counties and incorporated towns of the State of Kentucky may, in such manner, and under such regulations and restrictions, as the Legislature of said State shall prescribe, subscribe for and take stock in said contemplated railroad.

SEC. 53. That this act shall become a law whenever the State of Kentucky may enact the same, and concur in the amendments hereto, for the same purpose with such modifications and amendments, as they may deem right, not inconsistent with the provisions hereof: *Provided, however*, If the said State of Kentucky should not enact or co-operate in this Charter, during the present year, when the same shall be enacted, the time shall be allowed thereafter as is now allowed to do and

perform certain things required by the provisions of this act.

LONDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed November 15th, 1849.

CHAPTER XIX.

An Act giving further time for obtaining grants in the Hiwassee and Ocoee Districts.

Be it enacted by the General Assembly of the State of Tennessee, That the further time of two years from and after the rising of the present session of the General Assembly, be allowed the purchasers and assignees of purchasers, enterers and assignees of enterers of land in the Hiwassee and Ocoee districts, to obtain their grants for the same.

LONDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed January 10, 1850.

CHAPTER XX.

An Act to give Circuit Courts the power to inquire into the consideration of instruments under seal.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter in all suits in the Circuit Courts of this State and before Justices of the Peace, upon bills, bonds or other instruments under seal, the rules of evidence shall be the same as if such instruments were not under seal, and the parties may plead and give in evidence all matters, which by the existing laws, may be pleaded or given in evidence to similar instruments not under seal; *Provided,* That nothing in this act shall be so construed as to make the statute of limitations apply to sealed instruments.

SEC. 2. *Be it further enacted,* That the second section of the act of 1825, chap. 79, be so amended as to authorize the County Court of any county in this State at their discretion, to allow the owner of any negro or negroes, which may have been sold under said act, to make application for the money, after the expiration of two years as specified in said act, and upon the order of said court, the owner or owners shall be entitled to receive such sum as he, she or they would have been entitled to, if application had been made within two years.

LONDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed, January 28, 1850.

CHAPTER XXI.

An Act to authorize the several county courts of this State, at any term thereof, to grant juries of views on public roads.

Be it enacted by the General Assembly of the State of Tennessee, That the several county courts of this State be, and they are hereby authorized at any term thereof, to grant juries of view on public roads, by petition therefor as well at a quorum term as at a quarterly term, but the report of such jury of view shall be made returnable at a quarterly term of said court only.

LONDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed December 31, 1849.

CHAPTER XXII.

An Act to reduce the tax on Merchants' license and to draw out all the taxable property of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, merchants shall not sell their goods without first taking from the clerk of the county court, for such establishment, a yearly license, for which they shall pay as follows: Every wholesale merchant shall pay for his license seventy-five cents in the hundred dollars on the invoice cost, at the place where purchased, of all his goods, except such as may be sold without license;—every retail merchant shall pay for his license, seventy-five cents in the hundred dollars on the invoice cost at the place where purchased, of all his goods, except such as may be sold without license;—every commission merchant shall pay for his license, seventy-five cents in the hundred dollars on the gross amount of all his sales, public and private, except on sales of goods which may be sold without license.

Sec. 2. *Be it enacted,* That the revenue commissioners appointed under the act which this is intended to amend, shall meet on the last Saturday in February in each and every year, at the court house of their respective counties, and classify the taxable property of each civil district, so as to make the assessed value thereof as nearly uniform and equal as may be, prior to the return of their respective tax lists, on the 10th day of March, as provided for in said act.

Sec. 3. *Be it enacted,* That if any person from and after the passage of this act, shall refuse and fail to surrender a list of his or her taxable property, on oath, as provided for in the act which this is intended to amend, on the application of the revenue commissioner, it shall be the duty of said commissioner to report such delinquent to the next term of the circuit court to be holden in said county, when and where such delinquent shall be subject to an indictment or presentment by the grand jury thereof, and on conviction, shall be fined in a sum not less than one dollar nor more than five hundred dollars, at the discretion of the court, which fine shall go and constitute a part of the public revenue.

Sec. 4. *Be it enacted,* That articles of the growth and manufacture of this State, and cotton and tobacco in bales and hogsheads, are hereby exempt from taxation, except distilled, spirituous or vinous liquors; and salt; iron, sugar, coffee, molasses, spun cotton; and garden

seeds, shall only be taxed in the hands of the persons introducing them into this State for sale—and that the sixth section of the act this is intended to amend, be, and the same is hereby repealed.

SEC. 5. *Be it enacted*, That the respective county courts in this State, at any quarterly term thereof, are hereby authorized to make reasonable compensation to the respective revenue commissioners for their services in listing and assessing the taxable property in their respective districts, under the provisions of this act, and the act it is intended to amend.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, 7th February, 1850.

CHAPTER XXIII.

An Act to incorporate the Nashville and Middle Franklin Turnpike Company.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers hereinafter mentioned, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Nashville and Middle Franklin Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have a common seal and succession for ninety-nine years.

Commissioners
to open books.

SEC. 2. *Be it enacted*, That John Nichol, Henry Compton, Dr. William Lawrence, Thomas McCrory, James Walker, Frederick Bradford, and William Sawyers, or any three of them, are hereby appointed commissioners to open books to receive subscriptions for stock in said company, at such times and places as they may deem best; the books to be opened at least within four months from the passage of this act.

Capital stock.

SEC. 3. *Be it enacted*, That the capital stock of the company shall not exceed fifty thousand dollars, divided into shares of fifty dollars each, to be applied in the construction of a turnpike or McAdamized road from Nashville to a point on the line between the counties of Davidson and Williamson counties, where the middle Franklin road crosses the same.

SEC. 4. *Be it enacted,* That the road shall begin at a Route of road. point on Broad street, at or near Nashville, and run along the western wall of the Lunatic Asylum with the old middle Franklin road, and continue along with the same, or as near as may be most practicable, passing through White's gap to its terminus on the said county line.

SEC. 5. *Be it enacted,* That John Kirkman, James Overton, Thomas Gowdy, John Seigler, Thomas N. Cotton, William D. Gale and Mathew Johnson, or a majority of them, be and they are hereby appointed commissioners to locate and fix the route for said road; and when the sum of ten thousand dollars is subscribed, said commissioners shall give twenty days notice in some newspaper printed in Nashville, of a meeting of the stockholders in Nashville to elect Directors, pass by-laws and organize the company. Commissioners to locate.

SEC. 6. *Be it enacted,* That the provisions of the act of the 31st Dec., 1829, incorporating the Franklin Turnpike Company, and the act of the 25th January, 1838, incorporating the Charlotte and Harpeth Turnpike Company, shall extend to and be taken as parts of this charter, except where otherwise provided for by this act. General powers.

SEC. 7. *Be it enacted,* That when seven miles of said Rates of toll. road shall be completed, commencing at Nashville, the said company shall be authorized to erect one toll gate, at which they may demand and receive the following rates of toll, to wit:—For every twenty head of hogs or sheep, ten cents; for every twenty head of horned or neat cattle, twenty-five cents; for every horse or mule not employed in drawing a carriage, three cents, and so in proportion for any numbers of said animals; for every four wheeled pleasure carriage, twenty-five cents; for every two wheeled pleasure carriage, ten cents; for every loaded wagon, drawn by two horses, fifteen cents, if drawn by three horses, twenty cents, and if drawn by four or more horses, twenty-five cents, and for every empty wagon, ten cents; for man and horse, five cents; for every cart, ten cents; and no wagon shall be charged as a loaded wagon unless it has in at least five hundred pounds—*Provided,* that buggies drawn by one horse shall not pay more than ten cents at each gate.

SEC. 8. *Be it enacted,* That there shall not be erected Gates. more than two gates on said road, and the rates of toll shall be the same at both—and there shall be full five miles between said gates, and *provided,* the road shall hereafter be extended into Williamson county, an ad-

ditional gate shall be allowed for every five miles of said road.

SEC. 9. *Be it enacted*, That the Directors elected and the Commissioners appointed under this act, or a majority of them, may at the end of thirty days after the election of the Directors, proceed to value the making of each mile, or half mile of said road, or so much thereof as they may think proper; and any person or persons undertaking any such mile or half mile of said road, when completed, shall be credited on the books of the company, with an amount of stock equal to the valuation of making said mile or half mile of road, and certificates shall issue to them or him, as though the money had been paid.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,

Speaker of the Senate.

Passed, Jan. 25, 1850.

CHAPTER XXIV.

An Act to allow officers and guards pay for their services.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter when any officer of this State shall arrest any person by virtue of a warrant or original process placed in his hands issued by any of the Justices of the Peace in this State, and the individual or individuals so arrested shall be charged of having committed a felony against the penal laws of this State, it shall be lawful for the officer into whose hands the process was placed, to summon as many as two persons as guards if he may deem them necessary to aid and assist him in holding in custody and committing to the jail of the county in which the offence was committed, the individual or individuals so charged, and said guard summoned as aforesaid, shall be allowed the sum of fifty cents each per day for every day they may be compelled to act as guard, and the officer arresting such criminal, shall be allowed fifty cents per day in addition to his fee for arrest, for every day he may be engaged in guarding said prisoner, and carrying him to jail, and all moneys paid out by him for and on behalf of himself and guard for board, while keep-

Fees of officers
and guards.

ing said prisoner in custody; *Provided*, The sum charged for each shall not exceed the sum of fifty cents per day, to be taxed in the bill of costs as in other cases.

SEC. 2. *Be it enacted*, That whenever any person or persons shall be desirous of perpetuating the testimony of any witness or witnesses concerning any matter which is the subject of any suit which may be hereafter brought, he or they may present a petition in writing to any judge of the circuit or chancery courts, setting forth the reasons of his or their application, the name of the witness or witnesses, the subject matter of controversy and the names of all persons interested therein, and praying that the deposition or depositions of the said witness or witnesses may be taken and perpetuated; and thereupon the said judge shall make an order appointing a time and place for the respondent or respondents to appear before him and show cause, if any there be, why the prayer of the petition should not be granted; and prescribing such notice thereof to the parties as he may think reasonable; and in case the respondent or respondents, or any of them should reside without the limits of the State, requiring publication to be made in some newspaper, or notice to be given to said respondents in such other manner as he may deem reasonable; and if at the time appointed, the judge shall find, on due proof, that notice has been given according to said order, he shall further direct, if no sufficient cause be shown to the contrary, that said deposition or depositions shall be taken either by himself or by some other person or persons whom he may appoint for that purpose, and at such times and places as he may prescribe.

How to perpetuate testimony.

SEC. 3. The judge or other person or persons taking such deposition or depositions may adjourn from time to time as necessity or convenience may require, giving notice thereof to the parties present; and in case any witness or witnesses shall refuse to attend or to answer such legal interrogatories as may be propounded to them, the same proceedings may be had to compel such witness or witnesses to attend and answer said interrogatories, as are prescribed in the act 1795, chapter 3, section 1, in the case of commissions from other States.

Judge may adjourn from time to time.

SEC. 4. The deposition or depositions taken in manner aforesaid, shall be sealed up and directed to the register of the county in which the petitioner or petitioners or some of them reside, or if none of the petitioners reside in this State, to the register of the county in which the respondent or respondents or some of them reside, and it shall be the duty of said register to

Depositions to be registered.

enter such deposition or depositions with all the proceedings had therein upon the public records of his office.

Copies may be read in evidence. SEC. 5. Copies of such deposition or depositions taken in the manner aforesaid, duly certified by the register, shall be received in evidence at any time thereafter in the cause for which they were taken, and that the Register shall have for copying the same in his book, and for each copy given out, one dollar.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 4, 1850.

CHAPTER XXV.

An Act to incorporate the town of Elizabethton, in the county of Carter, and the town of Cornersville in the county of Giles, and for other purposes.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Elizabethton in the county of Carter, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the style and name of the Mayor and Aldermen of the town of Elizabethton, and shall have perpetual succession by their corporate name; may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town, and may have and use a town seal.

General powers.

SEC. 2. *Be it enacted,* That the corporation aforesaid shall have full power and authority to enact and pass such laws and ordinances necessary and proper to preserve the health of the town, to prevent and remove nuisances, to provide for licensing and regulating auctions, taxing, regulating or restraining theatrical or other public amusements and shows within the bounds of the corporation, to restrain and prohibit gambling, to establish night watches and patrols, to ascertain when necessary the boundary and location of streets, lanes and alleys, with the consent of the proprietors of the lots or houses adjoining such streets, lanes and alleys, to pave and keep in repair the streets, to pass all laws necessary for the same, to establish necessary inspec-

tions within the town, to erect and regulate markets, to provide for the establishment and regulation of a fire company and sweeping of chimneys, to provide water by the digging of wells or otherwise, to erect and regulate pumps, to impose and appropriate fines, penalties and forfeitures for a breach of the bye-laws or ordinances, to appoint a recorder, to lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town; and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect, provided they are not incompatible with the constitution and laws of the State.

SEC. 3. *Be it enacted*, That all fines, forfeitures and penalties imposed by the bye-laws and ordinances of said corporation, and all debts due the same, shall be recovered by action of debt before any jurisdiction having cognizance thereof. Fines and forfeitures.

SEC. 4. *Be it enacted*, That the sheriff of Carter county, after ten days previous notice, shall by himself or one of his deputies, hold an election at the court-house in Elizabethton, on the last Monday in December 1849, and on the same Monday in each and every year succeeding, for the purpose of electing seven persons to serve as Aldermen, and one person for Mayor, and one other person for Town Constable for the corporation of said town of Elizabethton, for one year, commencing on the first Monday next succeeding their election, and all persons living within the limits of said corporation, who would be qualified to vote for members of the General Assembly, and persons owning a freehold in the bounds of said corporation, shall be entitled to vote for Mayor, Aldermen and Town Constable for said corporation; and no person shall be eligible to the office of Mayor, or Aldermen, or Town Constable, unless he be a citizen of, or a freeholder or householder in the town of Elizabethton, and in case of death, removal, or resignation of any one of the officers of said corporation, the said Mayor and Aldermen shall have power to fill such vacancies for the time unexpired. Elections.

SEC. 5. *Be it enacted*, That the several persons so qualified as aforesaid, having the highest number of votes at any election held, shall be taken as duly elected, and the sheriff or deputy holding the election as aforesaid, shall within three days thereafter give to each of the seven Aldermen, Mayor and Town Constable a certificate of their election. And it shall be the duty of the persons so elected, to meet at the court-house on the next succeeding Monday after their elec- Organization.

tion, and after having been qualified, the Mayor and Aldermen, five of whom shall constitute a quorum, shall proceed to elect a Recorder for said corporation for the same time for which the Mayor and Aldermen were elected as aforesaid, and the person or persons appointed by them, shall serve until the first Monday in January next succeeding.

Take oath.

SEC. 6. *Be it enacted*, That the Mayor and Aldermen of said town, shall before entering upon the duties of their appointment, take an oath before some justice of the peace for Carter county, to faithfully, uprightly and honestly demean themselves as Mayor and Aldermen of said corporation, during their continuance in office.

Constable to give bond.

SEC. 7. *Be it enacted*, That the Town Constable so elected by said votes, shall continue in office twelve months from the time of his appointment, and shall before entering upon the duties of his office, give bond and sufficient security to the Mayor for the time being, for the faithful discharge of the duties of his appointment, and accounting for all monies by him collected.

Taxes on real estate, how collected.

SEC. 8. *Be it enacted*, That when any tax or duty shall be imposed upon any real property lying within the bounds of said corporation, and not paid by the owner or occupier of the same, and there shall not be any personal property of the owner of said lots or other real estate within the bounds of said corporation upon which the same could be levied, then it shall be the duty of the Recorder to certify the same to the circuit court of Carter county, at the same time to which the sheriff of said county is required to report lands in his county on which the State and county tax have not been paid, and upon said report at said term, it shall be the duty of said circuit court to enter up judgment for the tax due said corporation, in the same manner that judgments are required to be entered for the non-payment of the tax due the State and county, upon lands lying within the county, and the same shall be sold at the same time and in the same manner, and subject to the same rules, regulations and restrictions that are by law required for the sale of lands lying within said county, on which the State and county tax have not been paid, which tax, when collected by the sheriff, shall be paid by him into the hands of the Town Constable for the use of said corporation; which sale, when in the manner aforesaid made, shall vest the same right and title in the purchaser, as if the sale had been made for the taxes due the State.

SEC. 9. *Be it enacted*, That the sheriff of Carter county shall, previous to holding an election for Mayor and

Aldermen, and Town Constable, as provided in the fourth section in this act, appoint three respectable citizens in the town of Elizabethton, who shall act as judges of said election, one of whom shall act as clerk in said election.

SEC. 10. *Be it enacted*, That if any sheriff should fail or neglect to hold an election for the aforesaid officers on the last Monday in December in each and every year, he may at any time thereafter open and hold an election for the aforesaid officers, by first giving ten days previous notice of said election for the balance of the then unexpired year. Elections

SEC. 11. *Be it enacted*, That the corporate limits of said town of Elizabethton shall include the original plan of said town.

SEC. 12. *Be it enacted*, That the constable shall pay over monthly to the recorder all sums of money collected by him for said corporation, and the recorder shall render semi-annually on the last Saturday of June and the last Saturday of December in each year, and as much oftener as the board of Mayor and Aldermen shall require, a full and complete statement of the finances under his control, and that the recorder shall exhibit to the board semi-annually on the last Saturday in June and December in every year, a full and complete statement of the condition of the finances of said corporation. He shall, also, within thirty days from the time of assessing the taxes of said corporation, deliver to the town constable a tax list, which shall be the authority of said constable for collecting the taxes therein specified, and the recorder shall preserve a copy of the said tax list among the papers of said corporation. No money shall be paid out except by the recorder, and in no instance shall the recorder do so except upon the order of the Mayor, made in pursuance of the directions of the board of Aldermen. At the expiration of his term of office, the recorder shall deliver to his successor all books and papers, and take his receipt for the same. Constable and Recorder's duties

SEC. 13. *Be it enacted*, That it shall be the duty of the jailor of Carter county to receive and to keep in the jail of said county, every person or persons who may be committed to his charge for a breach of the by-laws and ordinances of said corporation, and all disorderly and riotous persons committed to his charge in the night. Jailor's duties.

SEC. 14. *Be it enacted*, That the Mayor and Aldermen of the town of Shelbyville, Bedford county, shall have full power and authority to open and extend streets and alleys within the corporate limits of said town, *provided always*, that the owners of property shall Corporation of Shelbyville.

receive pay for damages sustained, which damages shall be assessed by four commissioners, two of whom shall be appointed by the Mayor, and two by the owner, or holder of said property; and in the event that they cannot agree, then the said commissioners shall select a fifth man, which commissioners shall in assessing damages, take into consideration the increased value of said property by such improvement.

Memphis Gas
Light Company.

Sec. 15. That W. B. Miller, B. Graham, R. C. Binkley, W. B. Winchester, W. Howard, D. Looney, Miles Owen, and James Rose, be and they are hereby appointed commissioners to open books for the purpose of receiving subscription of stock for a Gas Light company in the city of Memphis, to be known and designated as the Memphis Gas Light Company, under which name and title the subscribers to the same are hereby incorporated and clothed with all the powers, privileges and immunities, and subject to the same regulations and restrictions contained in, and defined by, an act passed at the present session of the General Assembly, entitled "An Act to authorize the establishment of the Nashville Gas Light Company, which said act is hereby declared to form, constitute and be a part of this charter, except that the word Memphis is substituted for the word Nashville, where the same occurs in said act; and except the commissioners above named are to be substituted for the commissioners named in the eighth section of said act.

Corporation of
Cornersville.

Sec. 16. *Be it enacted*, That the citizens of the Town of Cornersville, of Giles county, be and they are hereby constituted a body corporate and politic by the name and style of the Mayor and Aldermen of the Town of Cornersville, and by said name and style, shall have perpetual succession, may have and use a common seal, and sue and be sued, plead and be impleaded, may have, hold, purchase, receive by gift, property both real and personal, for the use of said Town, and may sell, grant, or alien the same at pleasure.

General powers.

Sec. 17. *Be it enacted*, That said corporation shall have power to enact such by-laws and ordinances, as may be necessary and proper, to preserve the health, peace, quiet and good order of said Town, to prevent and remove nuisances; to punish breaches of good order committed within the limits of said corporation; to grant privileges of exclusive use, to portions of streets or alleys, or to sell the same when deemed useless;

To provide for taxing, regulating and licensing auc-

tions, theatrical, and other shows, exhibitions and fairs;

To restrain and prohibit gaming and gaming houses;

To prohibit the exhibition of Jacks or Stallions within the limits of the corporation;

To pass by-laws and ordinances, in relation to the cleaning, paving, and grading of streets, alleys, and side walks;

To establish and regulate markets and inspections thereof;

To provide for the establishment of a Fire company;

To provide for the opening of springs and the digging of wells and cisterns;

To erect pumps on the streets and public grounds;

To establish and keep in order a burying ground, for the use of the corporation;

To open and keep in order public grounds for the use of the corporation; and to cause to be erected thereon school houses and market houses;

To impose and collect fines and forfeitures for breaches of the by-laws and ordinances of the corporation;

To lay and collect taxes upon all property, polls and privileges within the said corporation, which are taxable by the laws of this State, or which may, for the time being, be taxable by the laws thereof;

To pass all laws and ordinances, necessary and proper to enforce the execution of the powers herein granted to said corporation; not inconsistent with the laws and constitution of the State and of the United States.

SEC. 18. *Be it enacted*, That all fines, penalties and forfeitures imposed or accruing by or under the by-laws and ordinances of said corporation, not exceeding fifty dollars, may be recovered by action of debt before the Mayor of said corporation, or any Justice of the Peace of Giles county, and for sums exceeding fifty dollars, before the Circuit Court of said county. Fines and Forfeitures.

SEC. 19. *Be it enacted*, That on the first Saturday of March, in each and every year, the citizens and freeholders of the Town of Cornersville, who are qualified to vote for members of the Legislature, shall elect seven aldermen, who shall be residents and free holders of said town, who, when duly elected shall hold their offices one year, and until their successors are elected and qualified. In said election no person shall be qualified to vote, who is in arrears to the corporation for fines, forfeitures or penalties. The first election Election of Aldermen.

held under this act shall be held by one of the Justices of the Peace of Civil District No. 17, of Giles county, under the same rules and restrictions as apply to the election of county officers, and every succeeding election shall be held by the Town Constable of said corporation for the time being. Said aldermen shall elect one of their number Mayor.

Election of Officers.

SEC. 20. *Be it enacted*, That the Aldermen of said corporation, shall, immediately upon their assuming the duties of their offices, proceed to elect a Mayor, a Treasurer, a Town Constable, and a Recorder, and shall require the Treasurer and Constable to enter into bond and security to be approved by the Mayor, faithfully to collect, pay over and account for all monies, and other effects, which may come to their hands, as said Constable and Treasurer, &c.

Vacancies.

SEC. 21. *Be it enacted*, That all vacancies which shall occur in the Board of Mayor and Aldermen, by death or otherwise, shall be filled until the next annual election, by the majority of the Board in office for the time being.

Constable and Treasurer's duty.

SEC. 22. *Be it enacted*, That it shall be the duty of the Constable faithfully to collect and pay over semi-annually, on the first Mondays of March and September, to the Treasurer, all taxes, fines, forfeitures and penalties due and accruing to said corporation, and on failure thereof, shall be liable by motion before the Circuit Court of Giles county, against himself and securities, for the amount withheld, and to any judgment rendered against him, there shall be added 12½ per cent. damages. This provision is extended to the Treasurer and his security, in case he should fail to account for any of the corporation funds placed in his hands.

Duty of Sheriff.

SEC. 23. *Be it enacted*, That it shall be the duty of the Sheriff or Jailor of Giles county, to receive and keep in Jail any person who shall be committed to his custody, by the order of the Mayor of said Town, on a charge of violating any of the by-laws of said corporation in relation to the preservation of the peace and good order of said town, until the charge or charges can be disposed of in due course of law, for which services the Sheriff or Jailor shall receive the same fees, as in other cases of imprisonment.

Former laws repealed.

SEC. 24. *Be it enacted*, That all by-laws and ordinances now in force in said corporation, shall remain of full force until altered or repealed, that all laws and parts of laws, heretofore passed by the Legislature, in relation to the incorporation of the Town of Cornersville, so far as they are inconsistent with this act,

are hereby repealed from and after the first Saturday in March next.

SEC. 25. *Be it enacted*, That when the owner of any lot or real estate in said Town, shall fail or refuse to pay any fine, tax, or forfeiture properly chargeable against him by said corporation, and shall have no personal property liable therefor, the Recorder of said Town may report the same to the Circuit Court of Giles county, and said Court shall render judgment against said real estate, and have the same sold by the sheriff, as in cases of other sales by the sheriff. The sheriff shall pay over the proceeds of said sale to the Treasurer of said corporation, and upon failure thereof, the Sheriff shall be liable upon motion as in other cases. Liability of real estate.

SEC. 26. *Be it enacted*, That the Board of Mayor and Aldermen may allow such fees to the Constable, Treasurer and Recorder as to them shall seem just and proper. Fees.

SEC. 27. *Be it enacted*, That the additional Justice of the Peace now allowed by law for the Town of Cornersville shall be a resident of said corporation.

SEC. 28. *Be it enacted*, That the limits of Cornersville, shall be extended so as to include the public burying ground near the North-East corner of the corporation, and extended from said grave yard, along by Baird's line, west to Main street, including the lots south of that line, and as follows on the South boundary of the corporation, viz: beginning at the South-West corner of the old limits, running South about 110 poles to the Pulaski road, thence east along the north edge of said road, to the Fayetteville road, and along the north edge of said Fayetteville road to the south east corner of James S. Haynes' land, thence along the line of James S. Haynes and James C. Haynes, to the south west corner of Richey's tan yard. Limits extended.

SEC. 29. *Be it enacted*, That said corporation shall have no power to levy or collect taxes on any of the lands or grounds now added to the limits of said corporation, unless the said grounds shall first have been laid off into town lots and improved by the erection of buildings, and then only according to the value of said improvements; nor to open, or widen, or establish any lanes, alleys or streets thereon, nor to exercise any control over the springs or wells thereon, except by agreement with the owners thereof. Exemptions.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 31, 1849.

CHAPTER XXVI.

An Act to authorize James J. Wyly of the County of Humphreys, to construct a Turnpike road in said County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James J. Wyly of the county of Humphreys, shall be and he is hereby authorized to open a turnpike road in Humphreys county. Beginning at his Ferry landing on Tennessee River, near the town of Reynoldsburg and running the nearest and most practicable route to Trace Creek at or near John Barnfield's, and thence up the valley of said creek to the forks of the road at or near to Doctor Isaac Pavatt's a distance of about six miles.

Style of road.

SEC. 2. *Be it enacted*, That the said road shall be opened twenty feet wide with a good grade, not to exceed three and one half degrees elevation at any part thereof, and with sufficient ditches to carry off the water and drain the same at all times, and the surface of said road to be permanently graveled so as to constitute a firm and solid road surface at all times.

Damages.

SEC. 3. *Be it enacted*, That should any person through whose lands said road may pass consider their lands damaged, and in the event such person and the said James J. Wyly cannot settle between themselves the amount of such damages, then and in that case the said Wyly shall choose one disinterested freeholder and the person complaining shall choose another, and the two thus chosen shall select a third disinterested freeholder, and the three thus chosen shall view the premises and assess the damages, taking into view the advantages and disadvantages of said road to said lands, and their assessment shall be binding upon the parties concerned; and the amount of damages, so assessed, if any shall be recoverable by law before any tribunal having jurisdiction thereof.

Rates of toll.

SEC. 4. *Be it enacted*, That the said Wyly, after the completion of said road, shall be allowed to erect a toll gate at any point between said Isaac Pavatt's and Tennessee river, at any point he may choose, at which he may charge and receive the following rates of tolls, to wit: for every loaded wagon drawn by four or more horses twenty-five cents, for every cart ten cents, for every four wheeled pleasure carriage, twenty-five cents, for each carryall or dearborne wagon, fifteen cents, for each two wheeled carriage, ten cents, for a man and horse, five cents, for all loose horses, mules

or cattle, three cents per head, for every ten head of hogs or sheep five cents.

SEC. 5. *Be it enacted*, That if any person passing on said road shall refuse to pay the rates of toll herein allowed, the gate keeper may lawfully refuse to such person a passage, and in the event such person should refuse to pay and should force a passage, such person shall forfeit and pay a fine of five dollars, for each and every such offence before any Justice of the Peace of Humphreys county. Penalty for passing gate.

SEC. 6. *Be it enacted*, That when said road shall be completed it shall be the duty of the county court of Humphreys county, upon application made to them, to appoint three disinterested freeholders to examine said road, and upon the report of any two of them, that said road has been completed agreeably to the provisions of this act, the gate herein provided for, and the tolls herein allowed may be erected and charged, and the said commissioners shall be allowed a reasonable compensation to be paid by said Wyly for their services. Commissioners to examine road.

SEC. 7. *Be it enacted*, That if any person shall give information on oath to any Justice of the Peace for said county, that said road is not in good repair as provided for in this act, said justice shall issue his warrant directing any constable or sheriff in said county to summon three disinterested freeholders, whose duty it shall be to examine said road and report to said justice, and upon their report that said road is out of repair, the justice shall have power, and he is hereby authorized to command the sheriff or constable, to cause said toll gate to be opened and the collection of all tolls suspended until said road shall be repaired, and said Wyly shall be liable to pay the costs of this proceeding; and should said road remain for the term of twelve months out of repair, all the rights, privileges and immunities hereby granted, shall be forfeited and forever cease. Road out of repair.

SEC. 8. *Be it enacted*, That the rights and privileges granted in this act shall continue for ninety-nine years to said Wyly and successors, heirs and assigns.

SEC. 9. *Be it further enacted*, That Ray S. Orton and such other persons as may join him, be any they are hereby authorized to construct a turnpike road from Wingfield's ferry on Tennessee river to Dry creek, thence up Dry creek and with or near the present road to Doctor Isaac Pavatt's, a distance of about six miles, and that said road shall in all respects be constructed and completed equal to the road granted by this act to Wingfield's Ferry road.

James J. Wyly, and shall be subject to all the provisions herein granted, and have and possess all the rights, privileges and immunities herein granted to the said Wyly, and have one toll gate erected between said Pavatt's and the river, subject to all the provisions of the gate granted to said Wyly, and to be subject to the same liabilities.

SEC. 10. *Be it enacted,* That the benefits of this charter shall not inure to either the said Wyly or Orton, unless he shall build a turnpike of the same kind and description, as above provided for, one half the distance between said Pavatt's, where the two roads come together and the town of Waverly, as hereinafter provided for. *Provided,* that either party building his said portion, shall have all the rights and privileges herein granted; the said distance shall be measured and divided by the following commissioners, or a majority of them, to wit: Coleman E. Harris, Urbone Harris, R. Batson, Hugh Lucas and David A. Massey, Jr. and they shall assign one part to the said James J. Wyly and the other part to the said R. S. Orton & Co., having regard to equality in cost of construction and repairs more than to equal distances; and upon the said portions thus assigned being finished and constructed in all respects equal to the provisions of this act, and to be received and kept in repair by the parties respectively to whom such portions may be assigned, then and in that case, the parties shall be authorized to charge and receive the tolls herein allowed, and not before. *Provided,* the citizens of said county shall not be charged for their travel on said road or roads.

SEC. 11. *Be it enacted,* That should either the said Wyly or the said Orton & Co., refuse or fail to build the portion of said road between the town of Waverly and said Pavatt's, (assigned to him or them,) on or before the 1st day of January, 1852, then the other may build the whole distance and have all the rights herein granted, and the party thus failing, shall forever forfeit his right to the benefits of this charter.

SEC. 12. *Be it enacted,* That Joseph L. Wingfield have the further time of six months, from and after the passage of this act, to complete his turnpike road in the county of Benton, which charter was granted February 3, 1848, and that said road when completed, that is, the McAdamis'd portion of it, shall average at least fifteen feet in width clear of timber, trees and rocks, and to be five degrees, so that the passage of horses, carriages &c. be not impeded; and when completed as contemplated by his charter with this amendment, the

commissioners before appointed, or any three of them, shall issue to him the said Wingfield, license to erect one gate only, which shall be one half mile from Tennessee river, and that the 26th section of an act passed February, 1848, chapter 218, be and the same is hereby repealed.

SEC. 13. *Be it enacted*, That the said Joseph L. Wingfield shall complete his road from his gate to the Camden and Paris road, as is provided for in the 26th section of an act passed February 3rd, 1848.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 30, 1850.

CHAPTER XXVII.

An Act granting certain powers to the County Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where an infant, idiot, lunatic, or other person having a Guardian appointed pursuant to the laws, by any of the County Courts of this State, shall actually reside in any other county in this State, than the one in which such guardianship shall have been granted, whether such infant, idiot, lunatic or other person resided in the county first granting the guardianship at the time of the grant, or not, the guardianship shall be removed into the county of the actual residence, by order of the County Court first granting the guardianship, upon the petition of the infant, idiot, lunatic or other person, by next friend; which petition shall briefly state the reasons for the removal of the guardianship; that a suitable person has been appointed Guardian for such infant, idiot, lunatic or other person, by the County Court of the county of the actual residence, and shall be sworn to by the next friend, and a copy of which shall be served on the Guardian at least five days before the hearing of the petition, and said petition shall be heard at the first term of the County Court after such service.

SEC. 2. That upon the hearing of the petition, if a certified copy of the order appointing the guardian by Guardianship may be removed.

the county court of the county of the actual residence, and a certified copy of the bond given by such guardian, with a certificate of the clerk of such court, that said bond was signed and acknowledged in open court, and the certificate of the court signed by the chairman, that the guardian is a suitable person, and that the surety is good for the penalty of the bond be produced to the court by the next friend, the court shall make an order for the removal of such guardianship to the county of the actual residence of such infant, idiot, lunatic or other person, and that the first guardian possess and deliver to the guardian of the residence the entire estate of the infant, idiot, lunatic or other person, which when done shall be a full discharge to the first guardian and his sureties.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 10, 1850.

CHAPTER XXVIII.

An Act to authorize Administrators, Executors, and Guardians of any county which has been organized and subsequently dissolved, to make settlements.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, all administrators and guardians appointed by the county court of any county which has been organized and subsequently dissolved, and all executors who may have been qualified by such county court, who may not have settled and closed the business of their respective trusts before the termination of the existence of such county, shall and they are hereby authorized and required to make settlements with the county court clerks of the respective counties, which would have had jurisdiction, to appoint such administrators and guardians, and to qualify such executors, if such county had never been organized.

SEC. 2. *Be it further enacted*, That upon the failure of any administrator, guardian, or executor, as aforesaid, to make the settlements hereinbefore required to be made, the clerks of such county courts respectively,

upon reliable information of the fact, are hereby required to issue a subpoena for such delinquent administrator, guardian or executor, as in other cases.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed November 8, 1849.

CHAPTER XXIX.

An Act to incorporate the Shelbyville, Richmond, Petersburg and Fayetteville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the* *Incorporation.*
State of Tennessee, That all persons who shall become stockholders in the way and manner hereinafter mentioned, shall be, and they are hereby constituted a body corporate, by the name and style of "The Shelbyville, Richmond, Petersburg and Fayetteville Turnpike Company," and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate, by law, and shall have succession for ninety-nine years.

SEC. 2. That the capital stock of said company shall *Capital Stock.*
 be seventy thousand dollars, with the privilege of increasing it to one hundred thousand dollars, if it should be necessary to the completion of the road; said capital stock to be divided into share of fifty dollars each.

SEC. 3. That the following persons shall be commis- *Commissioners.*
 sioners for the purpose of opening books for subscription of stock in said company, at the following places to wit:—At Shelbyville, Dr. George W. Fogleman, Dr. John A. Blakemore, John T. Neal, John W. Hamlin Esq., D. L. Baringer and A. J. Greer. At Richmond, Isaac S. Davidson, Alsa Freeman, and Cyrus N. Allen. At Petersburg, Stephen Hart, David R. Smyth, Alexander A. Greer, Burnabas Metcalf and Capt. William Crunk. At Fayetteville, John Goodrich, Alfred Smith, James R. Chilcot, Pryor Buchanan and William Southworth; any two of the above named persons shall be competent to open books at any one of the abovenamed places. The said commissioners shall give twenty days notice of the time of opening said books, and so soon

Elections.

as twenty thousand dollars of the stock is subscribed, they shall call a meeting of the stockholders, by giving twenty days notice in some newspaper published in the vicinity of the road, which meeting shall be held at Richmond, and at said meeting, said stockholders, or a majority of them being present in person, or by proxy, shall elect seven directors, who shall be stockholders, and said directors shall choose one of their body President, and said President and directors shall continue in office for one year, and until their successors shall be elected and qualified, which shall be done at the end of each year from the time of their first election, of which thirty days notice shall be given in some newspaper published in the vicinity of said road. The said Directors and President shall have all the powers and perform all the duties designated by the act of 1835, ch. 15, incorporating the Lebanon and Nashville turnpike company; and the said body corporate shall have and enjoy, and possess all the rights, powers and privileges, subject to the same conditions, limitations and restrictions granted to, and imposed upon the Lebanon and Nashville turnpike company, by virtue of the charter granted the 12th day of February, 1836, except so far as the provisions of this act and the laws of the State come in conflict with the same.

Quorum

SEC. 4. That the President and Directors, or any five of them, shall be sufficient to transact any ordinary business; and all vacancies happening in the board between the regular meetings of the stockholders, shall be supplied by the directors, two thirds being present.

Route.

SEC. 5. That immediately after the election of the directors, they or a majority of them, or such persons as they may appoint, shall proceed to designate and mark out a route from Shelbyville, passing through the town of Richmond and Petersburg, to the town of Fayetteville, and each director or person so engaged in marking out said road, shall be allowed two dollars each day necessarily engaged in the same.

Style of road.

SEC. 6. That said road shall be opened at least thirty feet, and graded sixteen feet, with ditches at each side to carry off the water; the surface shall gradually descend from the centre to the ditches; it shall be gradually paved with stone or gravel, and shall have substantial and sufficient bridges wherever they are necessary.

Subscription of stock.

SEC. 7. That the directors elected under this act, shall cause the books for subscription of stock to be kept open under the superintendence of such persons as they may appoint, at the places before mentioned, or any other places as they may appoint for the subscription

of stock, and if at the end of thirty days after the election of said directors, they shall deem that there was not enough of stock subscribed to build said road, they may proceed to have the making of each half mile or mile of said road, or so much thereof as they may think proper valued, and any person or persons undertaking any such half mile or mile of said road, shall be credited on the books of the company, with an amount of stock equal to the valuation of making said mile or half mile of road, and certificates of stock shall be issued as though the money had been paid.

SEC. 8. That in the event of any person or persons ^{Work finished} undertaking any part of said road in pursuance of the above section, and failing to have the same finished within the time, he, she or they contracted to have the same done, all the work that he, she or they may have done, shall be forfeited to the company.

SEC. 9. That whenever five miles of said road is ^{Toll gates.} finished, beginning at Shelbyville, said company may erect one toll gate, and continue to erect one toll gate for every additional five miles of said road completed, according to the intent and meaning of this act; but no toll-gate shall be erected nearer Shelbyville or Fayetteville, than one and a half miles.

SEC. 10. That the said company are authorized to ^{Rates of Toll.} demand and receive toll at each gate, not exceeding the following rates, to wit: For every twenty head of hogs, ten cents; for every twenty head of horned or neat cattle, twenty-five cents; for every twenty-five head of sheep, ten cents; for every horse or mule led or in a drove, three cents, and so in proportion for any greater or less number of the above named animals; for every pleasure carriage drawn by two horses or mules, twenty-five cents, if drawn by three or more horses or mules, thirty-five cents; for every carriage, wagon or cart, drawn by one horse or mule, ten cents; for every loaded wagon, drawn by two horses, mules or oxen, fifteen cents; for the same, empty, ten cents; for every loaded wagon drawn by three horses, mules or oxen, twenty cents; for every loaded wagon drawn by four horses, mules or oxen, twenty-five cents, and for every additional horse, mule or oxen employed in drawing a wagon, five cents. *Provided*, that every wagon drawn by more than six horses, mules or oxen, may be charged ten cents for each horse, mule or oxen more than six, unless the tire of said wagon shall be at least four inches wide; for every empty wagon not otherwise provided for, half the toll charged for the same, when loaded; for every man and horse, five cents, and for every other

vehicle used for the purpose of carrying burthen, the same as wagons, in proportion to their load.

Sec. 11. That said company shall begin said road on or before the first day of January, 1851, and finish the same in six years from the granting the same or they shall forfeit this charter.

Sec. 12. That in letting out the making of said road, the subscribers of stock shall have the preference, *Provided*, they will do the work as low as any other persons offering to do the same.

Sec. 13. *Be it enacted*, That the privileges of this charter shall enure to said company; *Provided*, the said road shall be finished to the town of Petersburg in the county of Lincoln, within the time limited in this act.

Sec. 14. *Be it enacted*, That the further time of two years be allowed the Shelbyville, Farmington and Lewisburg turnpike company, to commence and finish said road.

LONDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed, January 7th, 1850.

CHAPTER XXX.

An Act to amend the 9th section of the act entitled an act to provide for the probate and registration of deeds and other instruments beyond the limits of the United States, and for other purposes, passed 16th December, 1839.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any deed or other instrument for the conveyance of land in this State authorized by law to be registered, has been or shall hereafter be acknowledged or proven before a Judge of a Supreme, Circuit or Superior Court of any State or Territory of the United States, and the Judge has endorsed upon or appended a certificate under his hand of such probate or acknowledgment; and the official character of such judge has been, or may be certified by the Governor of such State or Territory under the great seal thereof; and such deed or other instrument, together with such acknowledgment or probate, with such certificate, has been or shall be registered in the proper county, such deed or other instrument, or when the

original cannot be found, a copy from the Register's office, shall be received as evidence in all the judicial tribunals of this State, whether the citizenship of the grantor or grantee be mentioned in such judge's endorsement or appended certificate of probate or acknowledgment or not.

SEC. 2. That whenever it may so happen, that no person can be procured in any of the counties of this State, to act as Entry Taker for said county, that the Register of said county, shall do and perform all of the duties now required by law of said entry takers, and receive the fees due for the performance or said duties.

Register to act
as Entry Taker.

SEC. 3. That when a deed may be proved and certified in another State and sent to any of the Registers of this State for registration, it shall be the duty of said Register to demand and collect the same tax that is now collected by clerks on deeds when offered for probate, and pay over the same to the clerk of the county court of his county, who shall account for the same as he is now required to account for money collected as tax on deeds.

Register to collect
Tax on Deeds

SEC. 4. That all decrees, or judgments rendered by any of the courts of law or equity in Grundy county, relating to the property or rights of property of the citizens of Districts No. 11 and 12 of the county of Coffee, which districts were at one period attached to said county of Grundy, are of as binding force as if said Districts were still a part of the territory of Grundy county, and this act shall take effect from and after its passage.

Grundy county.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 2, 1850.

CHAPTER XXXI.

An Act to establish a Court to be called the Common Law and Chancery Court of the City of Memphis, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be established for the State of Tennessee, a court to be held in the City of Memphis, Shelby county, to be called the common law and chancery court of the city of Memphis.

Jurisdiction.

SEC. 2. *Be it enacted*, That said court shall have general common law jurisdiction over all cases, arising at law of a criminal, commercial or civil character to the same extent as is now or hereafter may be exercised by the circuit courts of this State under common law, or by statute by provisions in such cases, but that this jurisdiction shall be confined to the 5th, 13th, and 14th civil districts of Shelby county, in which the city of Memphis and Fort Pickering are situated, over which the present commercial and criminal court of Memphis exercises jurisdiction, and with the same powers and authority to issue counterparts of original process and other process of said court beyond the said three civil districts as is now possessed by the said commercial and criminal court of Memphis.

Chancery Jurisdiction.

SEC. 3. *Be it enacted*, That said court shall have general jurisdiction in all matters in chancery, arising in the county of Shelby to the same extent, and under the same rules and regulations as the same jurisdiction is now exercised by the several chancellors of the State within their several jurisdictions.

Tipton county may file bills.

SEC. 4. *Be it enacted*, That the suitors in chancery in the county of Tipton, may at their election file their bills in the common law and chancery court of the city of Memphis or in the chancery court at Brownsville.

Election of Judge

SEC. 5. *Be it enacted*, That there shall be a judge appointed for said court by joint ballot of both Houses of the General Assembly, who shall be styled the judge of the common law and chancery court of the city of Memphis, and hold his office according to the constitution and laws of the State; and that as such he shall have and exercise all the power now or hereafter to be granted by law to circuit court judges and chancellors of the State, with power to interchange courts with any circuit judge or chancellor in the State.

His power.

SEC. 6. *Be it enacted*, That the judge of said common law and chancery court shall have full power to adopt such rules of practice both on the common law and chancery side of said court not inconsistent with the general laws of the State, from time to time as may in his judgment best expedite the administration of justice in the court.

Terms.

SEC. 7. *Be it enacted*, That the judge of said court shall have two terms of the chancery side of the court a year, to commence on the fourth Mondays of May and November in each year; and three terms of the law side of the court to commence on the first Mondays of March, July and November in each year, with power to hold special terms of each side of said court either by

adjournment or by causing ten days notice to be given by the clerk of the side of the court for which the term is to be held, in two newspapers printed in the city, in which notice the causes to be tried or heard shall be specified.

Sec. 8. *Be it enacted*, That the judge of the court shall receive as his salary the sum of \$1800 per annum, to be paid quarterly as the salaries of other judges of this State are paid.

Salary

Sec. 9. *Be it enacted*, That the present clerk of the commercial and criminal court of Memphis shall be and remain the clerk of the common law side of said court for the unexpired period for which he was elected; and that his successor shall be elected as is provided for the clerk of the said commercial and criminal court, and that the clerk and master of the chancery court at Memphis shall be and remain the clerk and master of the chancery side of the common law and chancery court of the city of Memphis, until the term for which he was appointed clerk and master of the chancery court at Memphis expires; and after that, the clerk of the chancery side of said court shall be appointed by the judge of said court as clerks and masters are now appointed by the chancellors, and for the same time; and that the said clerk, and clerk and master shall receive for their compensation for services, the same fees and emoluments as now are and hereafter may be allowed by law to clerks of the circuit courts or clerks and masters of the chancery courts of this State for similar services. The clerk of the common law side of said court shall at the first term thereof, execute bond with security to be approved by the court of the same character and amounts as are now required of the clerk of the commercial and criminal court of Memphis; and the clerk and master of the chancery side of said court shall also at the first term of the chancery side of said court, execute the bonds required of clerks and masters of the chancery courts of this State; and the remedies by motions and otherwise against each, and the penalties and liabilities of each, and the respective securities of each shall be the same as allowed by law against the clerks of the circuit and chancery courts of this State respectively.

Clerks.

Sec. 10. *Be it enacted*, That the judge of the common law and chancery court of the city of Memphis, shall appoint and cause to be summoned, juries for the common law side of said court, and have all the powers in relation thereto possessed by the judge of the commercial and criminal court of Memphis; and the sheriff of

Juries.

Sheriff.

Shelby county shall render the same attentions and duties as by law he is bound to render in the commercial and criminal court of Memphis; and the same remedies shall exist against him and his securities and deputies and their securities, as provided for and granted in the circuit and chancery courts of this State.

Process,

SEC. 11. *Be it enacted*, That all process issued from said court shall be in the name of the State and tested as the same are now tested in the circuit courts and chancery courts in this State.

Former laws re-
pealed.

Records trans-
ferred.

SEC. 12. *Be it enacted*, That all laws and parts of law establishing the commercial and criminal court of the city of Memphis be, and the same are hereby repealed, and the record books and papers belonging to the same be and are hereby transferred to the common law and chancery court of the city of Memphis; and said court is hereby directed and authorized to issue all process to enforce the judgments, orders and decrees heretofore made in said court in all cases, in all respects and to the same extent as if the same had been rendered in the common law and chancery court of the city of Memphis.

Causes trans-
ferred.

SEC. 13. *Be it enacted*, That all causes pending in the commercial and criminal court of any kind whatever, be, and the same are hereby transferred to the common law and chancery courts of the city of Memphis in the exact state and condition that they may stand in the said commercial and criminal court of Memphis, and all further steps shall be taken, and the said causes tried and disposed of in the same manner as if originally brought in the common law and chancery court of the city of Memphis; and the more effectually to do this and guard against confusion, the judge of the said court may make such orders in relation thereto as to him may seem best to attain the ends of justice.

Proceedings on
former process.

SEC. 14. *Be it enacted*, That all process heretofore issued from the commercial and criminal court of Memphis, and not yet returned; and all recognizances made returnable to the next ensuing term of said court; and all recognizances of principals and sureties, binding principals or sureties or either for the appearance of any party defendant or defendants to the next ensuing term of said commercial and criminal court, shall be returned according to the exigency thereof into said commercial and criminal court, at said next ensuing term; at which time an order of said court shall be made to transfer the same to the said common law and chancery court hereby created, after taking forfeitures against such recognizances as do not appear, and from

such as do appear, new recognizances, binding them to appear in said common law and chancery court at its first term after the passage of this act. And should the office of judge of said commercial and criminal court become vacant before the term thereof next ensuing after the passage of this act, the judge of the said common law and chancery court shall hold said term, and make the transfer, take the forfeitures, and renew recognizances as hereinbefore directed.

SEC. 15. *Be it enacted*, That it shall be the duty of the Attorney General of the 11th judicial circuit in which the county of Shelby is situated, to give the same personal attention and services in all matters relating to the State, that he is required by law to do in the circuit courts; and in all respects the same that he has heretofore rendered in the commercial and criminal court of Memphis; and he shall receive the like emoluments for his services. Attorney General

SEC. 16. *Be it enacted*, That all books, papers and records, and all causes pending in the chancery court at Memphis, be and are hereby transferred to the said common law and chancery court of the city of Memphis, in the same state and condition as they now are; and to be proceeded on as if the suits had been originally brought in said court, and it shall be the duty of said court to enforce all orders and decrees heretofore made by the said chancery court in the same manner as if made in the said common law and chancery court of the city of Memphis. Records on Chancery court transferred.

SEC. 17. *Be it enacted*, That the judge of the circuit court of the county of Davidson shall have and exercise criminal jurisdiction, so far as to empanel a grand jury at the regular term of said circuit court, for the purpose of finding bills of indictment and presentment, and which shall be immediately transferred upon the finding thereof, by the clerk of said circuit court, together with all papers that in any way appertain to the same, to the criminal court of said county for trial, and it is hereby declared to be the duty of the clerk of said criminal court, immediately upon the transfer of said bills of indictment and presentment, to issue *capias* upon the same, which shall be made returnable to the next regular term of said criminal court. Davidson Circuit Court.

SEC. 18. *Be it further enacted*, That all process which may issue from said circuit court, compelling the attendance of witnesses therein, to give evidence before the grand jury, upon which a forfeiture may be taken, shall be made returnable to said circuit court, and the

same shall be tried therein, and judgment enforced as heretofore.

SEC. 19. *Be it further enacted*, That this act shall take effect from and after its passage.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 2, 1850.

CHAPTER XXXII.

An Act to incorporate the Western Central Turnpike Company, and for other purposes.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body politic and corporate, by the name and style of the Western Central Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law for the space of ninety-nine years, and shall have succession.

Capital Stock.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, should it be deemed necessary to the completion of the road;—said capital stock to be divided into shares of twenty-five dollars each.

Commissioners.

SEC. 3. The following persons shall be commissioners to open books and receive subscriptions of stock, viz: T. J. Allison, of the county of Davidson; James A. Cunningham, of the county of Williamson; Wm. L. Weems, Wm. N. Holt, A. M. Williams, Wm. B. Easley, Pleasant Walker, and Jesse Hart, of the county of Hickman; Andrew Craigg, John L. Webb, Pleasant Horner, Wm. Bunch and James W. Howard, of the county of Perry; H. Bradberry, C. Pettigrew, Jesse Taylor, and Henry West, of the county of Decatur; Felix W. Henry, Wm. Coppage, George W. Pool, Isaac Lawler, and John Harmon, of the county of Henderson; Felix Hargrave, Edmond Willis, Saml. Lancaster and James S. Lyon, of the county of Madi-

son; and the said commissioners appointed in the several counties shall open books and receive subscriptions of stock at their respective county seats, provided books may be opened in Davidson county at the house of T. J. Allison, and in Williamson county, at the house of James A. Cunningham, and also at Vernon in Hickman county, after twenty days notice shall be given of the time and place of opening books, and so soon as it shall be ascertained that twenty thousand dollars have been subscribed, they shall call a meeting of all the stockholders by such public notice as they may deem necessary, which meeting shall be held at Linden in Perry county, and at said meeting, said stockholders or a majority of them being present, or represented by others under powers of attorney, shall elect seven Directors, (every stockholder being entitled to one vote for each share,) who shall be stockholders, and of whom said Directors shall choose one of their body President, and said President and Directors shall remain in office one year, or until their successors shall be elected, which shall be done at the expiration of each year from the time of the first election, and in the same manner, of which time and place twenty days notice shall be given by the President; the said President and Directors shall have all the powers and perform all the duties necessary in locating the road between the points hereinafter specified, letting out contracts for its construction, appointing necessary officers, receiving subscriptions and disbursing the funds of the company, together with the general superintendence of constructing the road, erecting gates for toll, and in otherwise governing and managing the affairs of the road, and determining by their by-laws the manner of adjusting and settling all accounts against the company, and also the evidence and manner of the transfer of stock in said company.

Opening Books.

Elections.

Quorum.

SEC. 4. The President and Directors, or any five of them, shall be sufficient to transact the business confided to them, and all vacancies happening in the Board, between the regular meetings of the stockholders, shall be supplied by the Directors, (two thirds being present.)

SEC. 5. Immediately after the election of the Directors, they, or a majority of them, or such other person as they shall appoint, shall proceed to designate and mark out the route, commencing at the terminus of the Richland turnpike, beyond Genl. Harding's, running thence to Vernon in Hickman county, thence to Centreville in Hickman county, thence to Linden in Perry county, thence to Perryville in Decatur county, thence

Route of Road.

to Lexington in Henderson county, thence to Jackson in Madison county.

Style of Road. SEC. 6. The company may grade the road sixteen feet wide, without rock or gravel, or they may cover it with rock or gravel, or construct it with plank; and there shall be sufficient ditches and culverts on each side to convey off the water and drain the same, and shall gradually descend from the centre to the ditches, except such part as may be covered with plank, shall have substantial and sufficient bridges, when necessary, and in all respects shall be completed in a faithful manner.

Rates of Toll. SEC. 7. That when any ten miles of the road shall be graded, the company shall be entitled to erect one gate, and so on for every ten miles thus completed; and when any five miles shall be completed with rock, gravel or plank, the company shall be entitled to erect one gate, and so on for every five miles thus completed, and collect tolls as follows: for every twenty head of sheep or hogs, twenty cents; for every twenty head of cattle, fifty cents; for every horse or mule, not in a drove, nor employed in drawing a cart or wagon, five cents; in a drove two cents, and so on in proportion for any greater or less number of said animals; for every four wheeled carriage twenty-five cents; for every two wheeled riding carriage, twenty-five cents; for every loaded wagon, twenty-five cents; for every empty wagon, fifteen cents; for every cart loaded, fifteen cents; empty cart, ten cents; for every man and horse, five cents.

Stock may be paid in work. SEC. 8. The stockholders shall have the privilege of paying the amount of their stock, or any part thereof, in work upon the road in its construction, or in money, as the company shall order; and in letting out contracts for building the road, the Directors shall give a preference to the stockholders who desire to take contracts; *Provided*, such stockholders will undertake such contracts upon as good terms as they can be let to others.

Damages. SEC. 9. If any person over whose land said road may run, claim damages for the same, and he and the company cannot agree upon the amount, he may apply to the circuit court at its next or any subsequent term by petition, setting forth the nature of the case, and the court shall appoint a jury of five disinterested persons to go upon the ground, and after being sworn by the sheriff, assess the damages which, in their judgment, the petitioner has sustained by said road running through his or her land, or through the land of his or her ward, in case of minors, which assessment of dam-

ages shall be made out and signed by said jury and returned to the next term of said court, and a judgment shall be entered and execution issued for the same, against the President and Directors, in favor of the person entitled to the same; in making out their report the said jury shall take into consideration the advantages of such road to the petitioner. The property in said road when completed shall vest in said company and their successors for the purpose of a highway, which shall be free for all persons, on the terms and conditions herein prescribed, and the same shall not be liable to taxation.

SEC. 10. The President and Directors may purchase for the use of the company any quantity of land, not exceeding twenty-five acres, adjacent to each toll-gate, and take conveyance therefor to themselves and their successors; and for the purpose of making said road and keeping it in repair, the said President and Directors, or their agents, or servants, may cut, dig, quarry and take from any land adjoining said road, such timber, gravel, stone or earth, as may be necessary for constructing and keeping said road in repair; if any person from whose land any timber may be taken shall conceive himself injured, and the amount of damages cannot be agreed upon between himself and the company, the matter shall be settled in the same manner prescribed in the 9th section of this act. May buy land at sales.

SEC. 11. When any parts of said road shall be in different counties, the President and Directors may apply to the county court of each county, through which each part runs, whose duty it shall be forthwith to appoint three discreet persons, disinterested freeholders, to view and examine said road in their respective counties, and on the report of said viewers, or any two of them, that the road has been completed, according to the true intent and meaning of this act, it shall be the duty of said county court to issue their order, authorizing the President and Directors to erect gates at such points as they may select, as restricted and regulated in the 7th section of this act, and to appoint toll-gatherers to demand and receive tolls at each gate. To appoint viewers.

SEC. 12. That if any person shall refuse to pay the toll hereby granted, at the time of offering to pass, the toll gatherers may lawfully refuse the passage of such person or persons or things subject to toll as aforesaid, or if any article or thing liable to toll shall by any means pass without payment, when demanded by the toll gatherer, the company may, by warrant from any Justice of the Peace, recover from the owner, or person or Delinquents—their penalty.

persons, in possession of the article or subject of toll five dollars for each offence.

When read out
of repair.

SEC. 13. If said company shall fail to keep said road in good repair for the space of fifteen days, and information shall be given to any Justice of the Peace in the neighborhood, he shall issue his warrant to a constable, commanding him to summon three freeholders, to meet at a certain time at the place complained of, (reasonable previous notice having been given to the President or some one of the Directors,) and if, on report of said freeholders on oath, it shall be found in the presence of said magistrate that said road is out of repair, according to the intent and meaning of this act, the toll hereby granted shall cease to be demanded, until such defective part of said road be put in good repair.

Calls of stock.

SEC. 14. The President and Directors may, from time to time, require such advances on the shares subscribed, as the wants of the company may require, *Provided*, that no call be made for more than five dollars on each share at any one time, of which twenty days notice shall be given in writing, addressed to each stockholder at his nearest post office, and if at any time a stockholder shall fail to pay such instalments on his stock, as may be called for at the time and in the manner prescribed, the Board of Directors at the time being shall have full power to declare such stock forfeited, and shall, after giving ten days notice thereof, offer the same for sale to the highest bidder for cash, (at least five days notice of the time and place of sale being given to the said stockholder,) and the number of shares so sold shall be transferred by the President of directors to the highest bidder, who shall by virtue of such transfer, become a member of said company, and if the same be not equal to the amount paid, and the call for which it is sold, the company may proceed to collect the residue from the original stockholder by suit in any court or tribunal of this State having jurisdiction thereof, and judgment rendered for instalments of stocks shall not, if rendered by a Justice of the Peace, be subject to stay of execution.

Forfeiture of
stock.

SEC. 15. That if said company shall not begin the said road within eighteen months after the passage of this act, and complete the same within five years thereafter, in the manner herein provided, this charter shall be forfeited.

Jackson and Estinaula
Turnpike Co.

SEC. 16. That the 19th section of an act passed 31st January, 1848, chapter 204, be so amended that the "Jackson and Estinaula Turnpike Company," shall not erect a toll gate nearer to the town of Jackson than

four miles; and that the 20th section be so amended, as to take away from the county court of Madison county the power to determine what rate of toll shall be charged by the said Jackson and Estinaula Turnpike Company.

SEC. 17. The subscribers of the Jackson and Estinaula turnpike company may construct said turnpike with plank, if they choose, which shall be equal in quality to other plank roads in the State.

SEC. 18. That Robt. L. Caruthers, Thos. O. Anderson, Benjamin Clifton, Robt. Hallum, Jordan Stokes, O. Wollard, Jas. H. McPharland, Ebenezer Gilbert, Woodruff, T. M. Patton, George Williamson, Henry Hearn, Zach Tolliver, John Britton, John H. B. Coles, Isaac G. Coles, Samuel Coles, be and they are hereby appointed commissioners, a majority of whom shall designate and mark out a turnpike road from Lebanon in Wilson county, to the Cumberland river in the direction of Gallatin, Sumner county.

SEC. 19. That the said commissioners shall open books at Lebanon, and such other places as they may deem advisable, to receive subscriptions for shares in said road stock, whenever they choose, the shares of which shall be twenty-five dollars, and the capital stock not exceeding thirty thousand dollars.

SEC. 20. That as soon as five thousand dollars be subscribed, the stockholders may appoint a President and Directors, and they are hereby constituted a body politic, with the right to sue and be sued, plead and be impleaded, by the name and style of the Lebanon and Cumberland river turnpike company, and said President and directors may commence said road when they are organized, as hereinafter provided, and said company shall put up a toll gate as soon as five miles of said road, commencing at Lebanon, is completed; also one other gate when the said road is completed.

SEC. 21. That said company shall make said road on the same plan of the Nashville and Lebanon turnpike road, and be governed by the same rules, regulations, restrictions and liabilities, except gravel or stone shall be laid for the first course fifteen feet, and for the second eight feet wide on said road.

SEC. 22. That George W. Pool, T. C. B. Jones, William H. McKinney, John R. Ellyson, James W. Swayne and J. W. G. Jones, of the county of Henderson; David Lancaster, Robert West and Lewis Davis, of Decatur county; are hereby appointed commissioners to open books at such places as they may think fit, for the purpose of receiving subscriptions to the amount of

Lebanon and
Cumberland Ri-
ver Turnpike Co.

Capital stock.

Incorporation.

Gates.

Style of road.

Lexington and
Clifton Turnpike
Co.

one hundred thousand dollars, or less if sufficient, to be applied to making a turnpike road from Clifton to Lexington, which sum or less if deemed sufficient, shall be divided into shares of fifty dollars each. The said commissioners shall meet at Lexington, in the county of Henderson, on the first Monday in April after the passage of this act, for the purpose of opening books for the subscription of stock; and so soon as ten thousand dollars of stock is taken, they may call a meeting of the stockholders at Lexington, for the purpose of organizing said company, and the stockholders shall proceed to elect from their own body, six Directors, who shall constitute a board, and in voting for said directors, each stockholder shall be entitled to a vote for each share. And the directors when elected, shall elect from their own body a President and such other officers as may be necessary, who shall hold their offices for two years, and until their successors are elected and qualified. Which said directors and stockholders are hereby created a body corporate and politic, by the name and style of the Lexington and Clifton Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all the rights, privileges and powers appertaining to bodies corporate and politic, and shall have succession for ninety-nine years.

Route of road. SEC. 23. So soon as may be convenient after said company is organized, the directors or some agent by them appointed, shall proceed to designate and mark out the route of said road, which shall commence at the terminus of the Columbia Central turnpike at Clifton, and thence the nearest and most practicable route to Lexington in the county of Henderson.

Style of road. SEC. 24. Said road shall be at least sixteen feet wide, shall be graded at the same degrees as other turnpike roads are, shall be graded or McAdamized, or covered with gravel, charcoal, sand, wood or plank, as the president and directors in their discretion may determine, the same to be completed in a faithful turnpike manner. When said road is completed, if the same be McAdamized, planked, sanded, charcoaled or graveled, the company shall be entitled to erect a toll gate for every five miles; if said road is completed by being graded only, the company shall be entitled to erect a toll gate for every ten miles.

Gates. SEC. 25. That said company may demand and receive the same tolls that the Columbia Central turnpike company are allowed to receive by law, and if any person or persons shall forcibly or secretly pass any gate

Tolls.

without paying the toll, they shall forfeit and pay the sum of five dollars for each and every time so offending, to be recovered by action of debt before any Justice of the Peace.

SEC. 26. The president and any three directors shall be sufficient to transact ordinary business, and any vacancies that may happen in the board by death, resignation or otherwise, may be supplied by the directors, two thirds being present.

Vacancies.

SEC. 27. The said president and directors may, (upon giving such notice as they may think proper,) require such advances to be made upon the shares subscribed, as the wants of the company may demand; and if any subscriber shall fail to pay the amount so called for, the same may be sold, or the company may sue said subscriber by action of debt for the amount so called for as aforesaid, before any justice of the peace and recover judgment thereon.

Calls on stock

SEC. 28. That the company hereby incorporated shall have all the powers and privileges, and be subject to all the duties and liabilities that the Lebanon and Nashville Turnpike Company, are by act of the General Assembly, passed 12th February, 1836, so far as the same are applicable to this act.

Powers, Privileges and liabilities.

SEC. 29. That the president and directors may extend said turnpike road to Jackson in the county of Madison, and for that purpose may increase the amount of capital stock; sufficient to complete the same.

May extend road to Jackson.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 21, 1849.

CHAPTER XXXIII.

An Act to incorporate the Cornersville and Lewisburg Turnpike Company

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all persons who shall become stockholders, in the way and manner hereinafter provided, shall be and they are hereby constituted a body corporate, by the name and style of the Cornersville and Lewisburg Turnpike Company, and by that name and style may sue and be sued, plead and be impleaded,

Incorporation.

and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate, by law; and shall have succession for ninety-nine years.

Capital stock.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be ten thousand dollars, and as much more as may be necessary to build the road, divided into shares of twenty-five dollars each, payable either in money or work, as hereinafter provided.

Commissioners

SEC. 3. *Be it enacted*, That the following persons shall be commissioners for the purpose of opening books (to wit,) James S. Haynes, James Osburn, Wm. Harris, William McClure, Thos. J. Kennedy and Z. Baird. At Lewisburg, Benjamin Williams, Russel P. Whiteside, Wilson P. Davis, James A. Yewell, Daniel G. Bills and Thos. Ross, any two of whom shall be sufficient to open books at any one of the said places, upon giving ten days notice in writing at public places in the vicinity, and as soon as five thousand dollars of stock is subscribed, said commissioners shall call the stockholders together by giving ten days notice in writing, at the court-house in Lewisburg, and at Cornersville, and an election shall be held at the house of William L. McLelland, a majority of the stockholders being present in person, or by proxy, for seven directors, who shall be stockholders, to manage the business of said company; and said directors shall choose one of their body President, and said President and directors shall continue in office for one year from the time of their election, and until their successors shall be elected and qualified, which shall be done at the end of each year from the time of the first election, the place of election to be designated by the board of directors, and twenty days notice given at public places, either written or printed, giving the time and place of each election. The President and Directors of said company shall have all the powers and perform all the duties that are required of, and allowed by law to the Lebanon and Nashville turnpike company; and the said body corporate shall have, enjoy and possess all the rights, powers and privileges, subject to the same conditions, limitations and restrictions, granted to and imposed upon the Lebanon and Nashville turnpike company, except so far as the provisions of this act, and the laws of the State come in conflict with the same.

Electors.

Vacancies.

SEC. 4. *Be it enacted*, That the President and Directors, or any five of them, shall be sufficient to transact any ordinary business; and vacancies accruing in the board between the regular meetings of the stock-

holders, shall be filled by the directors, two thirds of them being present.

SEC. 5. *Be it enacted*, That immediately after the election of said directors, they, or a majority of them, or such persons as they may appoint, shall proceed to designate and mark out the road from Cornersville to Lewisburg, the nearest, levellest and cheapest route; and each director or person so engaged, shall be allowed a compensation not exceeding two dollars per day, by said board of directors, for each day necessarily engaged in the same. Route of road.

SEC. 6. Said road shall be at least graded twenty-five feet wide, and paved with stone or gravel, at least eighteen feet, so as to make it a good and substantial road, with good and substantial bridges wherever necessary. Style of road.

SEC. 7. Each stockholder shall have the right to pay his, her or their stock in making road at valuation, and each person or persons through whose land said road may run, shall have the right to make the road through his, her or their land, at valuation; *provided*, he, she or they will take stock in said company as compensation therefor; and if it so happens that any person who may build road under this section, and the President and Directors cannot agree upon the value of said road, then the President and Directors shall choose one person, and the person or persons who have built the road shall choose one person, and the two persons chosen shall choose a third person, all of whom shall be acquainted with the value of such work, and disinterested, who shall examine said work, and value the same, and their award shall be final; a majority of them agreeing. Damages.

SEC. 8. Any person or persons undertaking any part of said road, and failing to have the same completed within the time named in his, her or their contract, all the work that he, she or they may have done, shall be forfeited to the company. Forfeiture.

SEC. 9. The President and Directors may, if they deem it practicable, cause the road to be divided into sections of one mile each, subject to a sub-division of a half and a quarter of a mile, and may then proceed to let out said section and sub-sections to such contractors, as shall offer to build the road at the cheapest rate, a preference always being given to a stockholder who desires to pay his subscription in work.

SEC. 10. Said company shall have the right to erect one toll gate for every five miles of road they may complete, *provided*, that no toll gate shall be erected nearer

to any court-house than one and a half miles, nor shall any toll gate be nearer together than five miles.

Rates of toll

SEC. 11. *Be it enacted*, That the rates of toll to be charged on said road, shall be the same as those charged by the Nashville, Murfreesborough and Shelbyville turnpike road company, or which may hereafter be charged by said road.

Time to complete road.

SEC. 12. Said company shall commence said road by the 25th day of December, 1851, and finish the same in three years thereafter, or forfeit this charter. The said company may continue said road in a southerly direction to any point they may choose, in the State of Tennessee, under the same rules and restrictions of this charter.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed December 18th, 1849.

CHAPTER XXXIV.

An act to authorize estates here of minors residing in other States and Territories, to be paid and delivered over to the guardians of such foreign minors in certain cases.

Monies of minor to be paid over to foreign guardian.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, in all cases where, by any order or decree of any of the courts of this State, any of the estate here of any minor or minors residing in any other State or Territory of the United States, shall, by sale or otherwise, be converted into money, and being under the control of such court, the same shall, by a proper decree, for that purpose, of such court, be directed to be paid over to the guardian or guardians of such foreign minor or minors; *Provided*, Such foreign guardian or guardians shall first exhibit to such court the record of his appointment, embracing his, her, or their bond conditioned to account for and pay over such money so received in this State of such minor or minors in such other State or Territory aforesaid, as by the laws of such other State or Territory has been or shall be prescribed in reference to the duties of guardians therein, certified by the clerk of the court wherein such appointment was made, with the seal of the court, if such court shall have a seal, together with the certificate of the presiding judge or justice

of such court, showing that the appointment of such guardian or guardians is according to the laws of such State or Territory, and that the guardian or guardians, as well as their securities, are solvent and good for the penalty of the bond; *and Provided*, The judge or chancellor, upon such record and certificates being exhibited to him here, shall approve the same and order the same to be entered at large upon the record book of his court; *and Provided*, Said court shall be satisfied, from proof, that it is the interest of the ward that said ward's estate should be removed to such other State or Territory; for which service the clerk shall receive from such foreign guardian or guardians, as his fee, the sum of two dollars.

SEC. 2. *Be it enacted by the authority aforesaid*, That when a minor or minors shall have resided in this State, and a guardian or guardians of such minor or minors shall have been appointed here, who shall have received and taken into his, her, or their possession the estate or any part thereof, and such minor or minors shall afterwards remove or be removed to another State or Territory of the United States, it shall be lawful for such first mentioned guardian or guardians of such minor or minors, to settle with and pay over the estate of such minor or minors, as shall or may be in his, her, or their hands to the guardian or guardians of such minor or minors as have been, or shall or may be appointed in such other State or Territory; *Provided*, The record of his, her, or their appointment, embracing his, her, or their bond, shall be exhibited first to the inspection of the judge of the Circuit Court or chancellor of the Chancery Court of the county or district wherein such first mentioned guardian or guardians was or were appointed and approved by such judge or chancellor, and ordered to be recorded as aforesaid; *Provided*, The bond aforesaid be conditioned as is prescribed in the first section of this act; *and Provided*, That the receipt or receipts of such foreign guardian or guardians for all monies, property, or estate of such minor or minors, as shall be paid over or delivered to such foreign guardian or guardians, shall be a sufficient voucher of the guardian or guardians, in the settlement of his, her, or their guardian account; *Provided, also*, That the clerk of the said Circuit Court, for recording said record, shall receive of such foreign guardian or guardians the compensation prescribed in the first section of this act. The provisions of this act shall apply whether any other such State or Territory shall have a similar provision or statute or not.

Estate to be transferred to foreign guardian.

SEC. 3. *Be it enacted by the authority aforesaid, That* in all cases where any minor or minors reside in any county of this State, different from the county in which his, her, or their guardian may reside, and the personal property of such minor or minors, shall be retained by said guardian in the county where he may reside, or in any other county different from that in which such minor or minors reside, it shall be the duty of the County Court, where such property may be, upon application of the next friend of such minor, to appoint some competent person, of the county where such minor or minors reside, guardian of such minor or minors, and to order the removal of the personal effects of such minor or minors, to the county where they reside, and order the former guardian to settle with such newly appointed guardian, and pay over to him all the funds and effects of such minor or minors, to such newly appointed guardian; *Provided*, Such newly appointed guardian shall enter into bond and security, to be approved of by the County Court of the county where he may reside, for the faithful accounting for, such funds and personalty; *and Provided*, Before the property shall be ordered to be paid over to such guardian, he shall exhibit to the court appointing him guardian as aforesaid, a certified copy of such bond.

Estate to be transferred to the guardian in the county where the minor resides.

LONDON C. HAYNES,
Speaker of the House of Representatives
 JOHN F. HENRY,
Speaker of the Senate.

Passed, January 28, 1850.

CHAPTER XXXV.

An Act to charter the Fayetteville, Boonshill, and Pulaski Turnpikes and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the subscribers for the stock hereinafter mentioned shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Fayetteville, Boonshill, and Pulaski Turnpike Company, and by that name they may sue and be sued, plead and be impleaded, and shall have a common seal and succession for ninety-nine years.

SEC. 2. That J. G. Miller; W. G. Miller, W. T. Ross,

E. M. Ringo, Wm. Timmons, M. L. Dismukes, James Clarke, J. Wood, Marion Childress, B. F. Hudson, Wm. Timmons, jr., and Alex. Smith, or any five of them be and they are hereby appointed commissioners to open books to receive subscriptions for stock in said company, at such times and places as they may think best, either in cash subscriptions, or in work; and all the above named persons, or so many of them as shall unite in making said road, or any other person or persons not named, who shall aid in its construction, or any five of them shall be commissioners to locate said road from Fayetteville by the way of Boonshill, to the county line of Lincoln at or near Wm. F. Smith's in said county.

Commissioners in
Lincoln.

SEC. 3. That Ben Garrett, Arch. Young, Wm. Kennedy, Chas. Leatherman, Ananias Oliver, Lewis Marks, James Patterson, A. Ezell, James McCollum, James F. Drake, or any five of them be, and they are hereby appointed commissioners to open books, to receive subscriptions for stock in said company, at such times and places as they may think best, either in cash, subscriptions, or in work: and all the above named persons, or so many of them as shall unite in making said road, or any other person or persons not named, who shall aid in its construction, or any five of them, shall be commissioners to locate said road from Pulaski, in the county of Giles, to said Wm. H. Smith's, at or near the line between the counties of Lincoln and Giles.

Commissioners in
Giles.

SEC. 4. That the capital stock of said company shall be seventy-five thousand dollars, or any sum necessary to build said road, which shall be divided into shares of fifty dollars each to be applied to making a McAdamsized turnpike road, commencing either at Fayetteville or Pulaski, and terminating at any intermediate point.

Capital Stock.

SEC. 5. That so soon as subscription shall be made sufficient to build five miles of said road, in either of the counties aforesaid, a meeting of the stockholders shall be held in their respective counties, at such place as their respective commissioners may designate, after which meeting the said stockholders and those who may thereafter become stockholders shall be constituted a body politic and corporate, and shall possess and enjoy all the rights, powers and privileges, and be subject to the conditions, limitations, and restrictions granted and imposed upon the Lebanon and Nashville Turnpike Company, by virtue of the charter granted 12th February, 1836, except so far as the provisions of this act are inconsistent with said charter of the 12th of February, 1836.

When Company
formed.

SEC. 6. That persons subscribing may subscribe and

May subscribe in
work.

take so much of said road, designating the part and distance of the road so taken, which part so taken shall be built and finished by him or them so subscribing, in a good and substantial turnpike manner, in every particular to be as well done and performed as the said Lebanon and Nashville turnpike road. Said subscriptions may be made by commencing either at Fayetteville or Pulaski. If two or more subscribers shall take the same part of the road, the board of directors for the county in which that part of said road may lie, shall designate which subscriber shall be entitled to said stock, and do said road, having a due regard to the interests of the company.

Elections.

SEC. 7. That the subscribers in the respective counties, or a majority of them, being present, may call a meeting and shall elect their directors, who shall have exclusive control of such part of said road as may lie within the limits of their respective counties. Said directors shall be stockholders, and shall elect one of their body president of the board of directors, who shall continue in office for two years, and until another election shall take place, of which election ten days notice shall be given. Said board of directors respectively shall have power at all times to designate the place of meeting, as well as the times, and power to appoint such officers as may be necessary to transact the business within their respective counties and may prescribe their duties and fix their salaries.

Location of road.

SEC. 8. That so soon as five miles of said road shall be subscribed for, in either of said counties, whether in money or in work, the election of directors for such road, lying within said county, shall take place, and the said road shall be laid down and located for said county by a majority of the stockholders residing in said county; and if the whole of said road shall not be taken to be paid in work, but a part of the stock taken in money, said president and directors shall let out to the lowest bidder such part of the road remaining unsubscribed for as aforesaid, and apply the funds to the payment of the same, according as they may be subscribed in the respective counties aforesaid.

Gates.

SEC. 9. That when the road shall be finished and prepared for gates to be placed upon it, such part of the road as shall be built by stockholders subscribing to build so much of said road in work, the said stockholders, residing in the county where such part of said road may lie, shall have a meeting and endeavor to fix upon the value of the work done upon said road by said stockholders so subscribing. If said stockholders can-

not agree as to the value thereof, three valuers, unconnected with the parties, shall be appointed by the said stockholders, who shall proceed to value each stockholder's work, done on said road, lying within the respective counties, and that valuation shall be reported to the board of directors for said county, and placed upon the books of said company, and constitute so much stock in the said turnpike company belonging to the stockholder, or his assignees, who may have performed said work; a certificate of which stock shall be issued and receipts given as though the amount had been subscribed and paid in cash.

Valuation of
work.

SEC. 10. That in the event any person or persons undertaking any part of said road, in pursuance of the foregoing sections, and failing to have the same finished within the time allowed in this charter to complete the road, then he, she, or they shall forfeit all that may have been done by them, to said company, and the company shall have an additional year to complete the part or parts forfeited.

Work forfeited.

SEC. 11. That whenever five miles of said road are completed, commencing at either Fayetteville or Pulaski, the said company may erect a gate, and for every five miles thereafter, a gate may be erected as the said road is built, throughout the whole route; *Provided*, That no gate shall be erected within one and a half miles of Fayetteville or Pulaski.

Gates.

SEC. 12. That said road shall be commenced within two years from the passage of this act, and be completed within six years, or this charter shall be forfeited.

SEC. 13. That George Everly, Jno. A. Jackson, N. C. Buford, Calvin A. Reynolds, James M. Morris, Charles Buford, Wm. J. Craig, Jerome Black, Jno. B. Anthony, Geo. W. Green, James M. King, and Jno. T. Short of the county of Giles, be appointed commissioners to open books to receive subscriptions, for the purpose of building a turnpike road from Pulaski, by the way of Bratton's Hill in the county of Giles, in the direction of Florence, Alabama: the said subscriptions may be made payable in money or in work, to be performed on said road, to an amount sufficient to build the same. So soon as subscriptions shall be made sufficient to build five miles of said road, a meeting of the stockholders shall be called by the commissioners at such place as they may select, after which meeting the said stockholders, and those who may thereafter become stockholders, shall be and they are hereby constituted a body politic and corporate, by the name of the Pulaski and Florence Turnpike Company, and shall possess and enjoy all the rights,

Commissioners of
Pulaski and
Florence Turn-
pike Company.

powers, and privileges, and subject to the conditions and limitations and restrictions granted and imposed upon the Fayetteville and Pulaski Turnpike Company by this act.

Division of stock.

Sec. 14. That the profits arising upon the stock of the Fayetteville and Pulaski Turnpike Company, shall be divided as follows, to-wit: that so much as accrues from that portion of said road that lies in the county of Giles be paid to the stockholder thereof, and so much as accrues upon that portion of said road that lies in the county of Lincoln, be paid to the stockholders thereof.

Sec. 15. That James Bright, sr., A. T. Nicks, B. M. G. Rhea, Woodruff Parkes, J. J. Whittaker, George V. Hibb, Wm. Moore, Paul Ingle, Geo. Waggoner, N. Whittaker, Wm. Tawley, John H. Taylor, Ben Berry, Felix Motlow, Allen Parker, Stanton Green, Joseph Smith and Mark Whittaker, or any five of them be and they are hereby appointed commissioners to open books to receive subscriptions for the purpose of building a turnpike road from Fayetteville, by way of Mulberry and Lynchburg, in the county of Lincoln, to intersect the Nashville and Chattanooga Railroad. The said subscription may be made payable in money or in work, to be performed on said road, to an amount sufficient to build the same. So soon as subscriptions shall be made sufficient to build five miles of said road, a meeting of the stockholders shall be called by the commissioners, at such place as they may select, after which meeting the said stockholders and those who may thereafter become stockholders, shall be and they are hereby constituted a body politic and corporate, by the name of the Fayetteville, Mulberry, and Lynchburg Turnpike Company, and shall possess all the rights, powers, and privileges, and be subject to the conditions, limitations, and restrictions granted and imposed upon the Fayetteville, Boonshill, and Pulaski Turnpike Company, except so far as the same may be inconsistent with the provisions hereinafter made.

Fayetteville and
Mulberry turn-
pike company.

Sec. 16. That so much of said Fayetteville, Mulberry and Lynchburg Turnpike Company as may be located on the ridge adjoining the Nashville and Chattanooga Railroad, for the distance of ten miles, may be graded only, without gravelling, if the company shall prefer it, and only one gate shall be placed upon said ten miles, unless the same be gravelled; and the balance of said road may, at the election of said company, be gravelled for the width of twenty feet, or of only sixteen feet; and whenever five miles of said road are completed, the said company may erect a gate, and so for every five

Style of road.

miles throughout the whole route; *Provided*, That no gate shall be erected within one and a half miles of said town of Fayetteville. The bridges on said roads shall be at least twelve feet wide.

SEC. 17. That the companies incorporated by this act shall be and are hereby authorized to demand and receive toll at each gate, at the same rates as are by ^{Tolls.} an act, passed February 3rd, 1848, allowed to the Nashville and Hillsborough Turnpike Company.

SEC. 18. That Wm. Brown, Thos. A. Westmoreland, Jos. G. Mason, Willis Whitfield, John B. Mason, Lewis G. Upshaw, Thomas J. Brown, Doctor Edmondson, Joseph Rodgers, Thomas Reid, James H. Dearn, and Osborne Harwell, or any five of them be, and they are hereby appointed commissioners, to open books to receive subscriptions for the purpose of building a turnpike road from near Burwell Abernathey's blacksmith shop, on Newton's creek, in Giles county, to the State line, crossing Richland creek at the mouth of Richard Suttle's spring branch; thence across Elk river to the State line, at such point as the president and directors of said company may designate; the said subscription may be made payable in money or in work, to be performed on the said road to an amount sufficient to build the same. So soon as subscriptions shall be made sufficient to build five miles of said road, a meeting of the stockholders shall be called by the commissioners, at such place as they may select, after which meeting the said stockholders, and those who may thereafter become stockholders, shall be and are hereby constituted a body politic and corporate, by the name of the Richland and Elk River Turnpike Company; and shall possess and enjoy all the rights, powers, and privileges, and be subject to all the conditions, restrictions, and limitations granted and imposed upon the Fayetteville and Pulaski Turnpike Company by this act, so far as the same may be applicable to said company. ^{Richland and Elk River Turnpike Company.}

SEC. 19. That said company shall not erect a gate nearer than five miles of any toll gate placed upon the Pulaski, Elkton, and Alabama Turnpike Road, and that said company shall be authorized to erect two gates upon the whole route when completed to the State line; ^{Gates.} and that they shall be entitled to demand and receive the same rate of toll as is by this act conferred upon the companies hereby incorporated.

SEC. 20: That said turnpike roads, hereby incorporated, shall be opened at least thirty feet and graded ^{Style of roads.} twenty-two feet wide, with ditches at each side, to carry off the water; the surface shall gradually descend from

the centre to the ditches; they shall each be paved with stone or gravel, at least sixteen feet in width, and shall have substantial and sufficient bridges wherever they are necessary.

May build bridge.

SEC. 21. *Be it further enacted*, That the said Richland and Elk River Turnpike Company be, and they are hereby authorized to build a bridge across Elk river at such point as they may determine. The said road shall cross said river, *Provided*, They shall so construct said bridge as not to obstruct or in anywise interfere with the navigation of said river, and that they have the right to collect such tolls as are by law allowed the company authorized to build a bridge across said river at Elkton, in Giles county, by an Act, passed, February 4th, 1848.

Williamson and
Marshall Turn-
pike Company.

SEC. 22. *Be it enacted*. That all persons who shall become stockholders, pursuant to the provisions of this act, shall be, and they are hereby constituted, a body politic and corporate, by the name and style of the Williamson and Marshall Turnpike Company, and by that name and style may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges, and powers appertaining to bodies politic and corporate by law, and shall have succession for ninety-nine years.

Capital Stock.

SEC. 23. *Be it enacted*, That the capital stock of said company shall be thirty thousand dollars, and as much more as may be necessary to build the road, divided into shares of twenty-five dollars each, payable either in money or work on the road.

Commissioners to
open books.

SEC. 24. *Be it enacted*, That B. W. Goodrich, James V. Ewing, G. Hughes, D. G. Bills, Elisha Hurt, J. J. Jones, W. P. Davis, W. D. Fisher, James Payne, W. A. Houston, L. A. Ewing, John Wall, John Thompson, Samuel Fleming, Reuben Reynolds, Theophilus Gentry, Aaron Boyd, Henry Martin, A. M. McClane, James Carson, H. G. Baker, G. R. May, A. R. Cartwright, J. McCarrol, W. W. Buford, E. Thompson, Wm. A. Stephenson, John E. Tullus, Edward L. Jordan, Wm. Demumbar, Johnson Jordan, Hardeman Holt, be, and they are hereby appointed, commissioners to open books for the subscription of the stock of said company. A majority of said commissioners shall have power to act, and they may either by themselves, or by any agent or agents, appointed by them, procure a sufficient amount of stock, not to exceed seventy-five thousand dollars, to build a turnpike road from Lewisburg by the way of the bridge on Duck river, near the mouth of Rock creek, in Marshall county; and from thence, to such point as a majority of them shall designate, on the turnpike passing

through the town of Franklin, or on the Harpeth turnpike, or on the Nolensville turnpike, or on the Farmington and Fayetteville turnpike. If it shall appear, that a sufficient amount of stock cannot be obtained, to Route of Road. build the road, to the point which they first designate, said commissioners shall have power to fix upon some other point of connection, but those stockholders who subscribe for one point of connection, shall not be bound, except by express agreement, for stock upon another.

SEC. 25. *Be it enacted*, That as soon as said commissioners shall have obtained in subscription of stock to said company to an amount not less than ten thousand dollars, they shall call a meeting of the stockholders—giving twenty days notice of the time and place of said meeting, which shall be held at the place known as Logan's Old Store House, near the Williamson and Marshall county line, at which meeting seven directors, who must be stockholders, shall be chosen, by Elections. a majority of the stockholders voting, either in person or by proxy. The directors shall choose one of their number to act as president of the board, and said board when organized, shall hold their offices one year, and until their successors are elected with power to fill vacancies which may happen, between the annual elections.

SEC. 26. *Be it enacted*, That immediately after the election of directors, they, or a majority of them, or such other persons as they may appoint, shall proceed to mark out the route from Lewisburg to such point as may have been agreed upon by the aforesaid commissioners, and each director or person so engaged in making out said route, shall be allowed two dollars per day, to be paid by the company, for each day necessarily engaged in the same. Locating Road.

SEC. 27. *Be it enacted*, That the president and directors, if they deem it practicable, cause the road to be divided into sections of one mile each, subject to a subdivision of a half and a quarter of a mile, and shall then proceed to let out said sections and sub-sections to such contractors, as shall offer to build the road at the cheapest rates, a preference always given to the stockholder who desires to pay his subscription in work. May divide into Sections.

SEC. 28. *Be it enacted*, That any stockholder who shall contract to build a section or sub-section of the road, and having completed said work shall have credit for the same at a fair valuation, in the payment of his stock. In case the board and the stockholders cannot agree as to the value of the work done, the board and stockholders shall select each one disinterested person, Valuation of work

per day for their services, to be paid by the proprietor of said road.

Tolls. SEC. 42. *Be it enacted*, That the proprietor shall be entitled to the following toll, to-wit: for each wagon, drawn by six horses, mules, or oxen, seventy-five cents; for each wagon, drawn by five horses, mules, or oxen, sixty-five cents; for each wagon, drawn by four horses, mules, or oxen, sixty cents; for each wagon drawn by two horses, mules, or oxen, fifty cents; for each cart, drawn by horse, mule, or ox, twenty-five cents; for each four wheel pleasure carriage, seventy-five cents; for each two wheel pleasure carriage, fifty cents; for each man and horse, ten cents; for each led or loose horse, five cents; for each head of horses, mules, or cattle three cents; for each head of hogs or sheep, one cent.

SEC. 43. *Be it enacted*, That the said proprietor shall have and enjoy all the rights and privileges of said road for thirty years after the passage of this act, and have twelve months to put said road in repair.

SEC. 44. *Be it enacted*, That if said proprietor shall permit said road to remain out of repair thirty days at any one time, for every such offence he shall forfeit and pay fifty dollars, to be recovered before any acting justice of the peace, to any person who will sue for the same, and if any person or persons shall arbitrarily pass through said gate or within one mile thereof, with intent to evade the toll, for every such offence shall forfeit and pay five dollars to the proprietor, to be recovered before any acting justice of the peace, having jurisdiction of the same, and all laws heretofore passed concerning said road be, and the same are hereby repealed; *Provided further*, That said Mitchell shall have the right to commence said road and run it up the mountain to the left of where it now runs, at any gap that he may think proper, so as to intersect the old road some where on the mountain.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 17, 1850.

CHAPTER XXXVI.

An Act to prevent the sale of the interest of *femes covert* in real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, when any *feme covert* shall, either before or after marriage, become entitled to any interest in any lands, tenements, hereditaments, or other real estate whatever, either by gift, devise, descent, or in any other mode, it shall not be lawful, by virtue of any judgment, decree, or execution against the husband of such *feme covert* to sell or dispose of his interest in the real estate of the wife; or by virtue of the judgment, sentence, or decree of any court in this State to dispossess or eject the husband and wife from the possession of the real estate of the wife acquired in any manner, either before or after marriage.

SEC. 2. *Be it enacted*, That the exemption of the husband's interest in his wife's lands, as prescribed in the first section of this act from sale, shall not extend beyond his wife's life, nor shall the husband sell the same during his wife's life-time, without her joining in the conveyance in the manner prescribed by existing laws, in which *femes covert* shall convey lands.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 10, 1850.

CHAPTER XXXVII.

An Act to dispense with the issuance of *scire facias* in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, it shall not be necessary to issue a *scire facias* to revive judgments which have lain a year and a day without the issuance of an execution, and that execution may issue on the same after a year and a day from the rendition of the judgment, just as if it had issued within that time.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, December 31, 1849.

CHAPTER XXXVIII.

An Act for the benefit of Accommodation Endorsers and Stayors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where judgment may be rendered against any person or persons, the heir or representatives of any person who was an accommodation endorser or endorsers on any promisory note, bill single, or bill of exchange, it shall and may be lawful for such accommodation endorser or endorsers, his, her or their representatives, to obtain judgment by motion against his, her or their, maker or principal, or their representatives, for the full amount of such judgment and costs, before any jurisdiction having cognizance thereof, and execution shall issue accordingly.

SEC. 2. *Be it enacted*, When any motion shall be made agreeably to the provisions of this act, the court shall immediately empanel a jury to ascertain the fact, and on finding that the person or persons were only accommodation endorser or endorsers, such court shall enter up judgment agreeably to the first section of this act: *Provided*, The provisions of the above recited act shall extend to and embrace magistrates' courts, and in any cause pending in said courts it shall not be necessary for the justice before whom the cause may be pending to summon or empanel a jury, but he shall hear the testimony and determine the cause as in other cases now provided by law.

SEC. 3. *Be it further enacted*, That the act of 1835 and 1836, chapter 41, passed 22nd February, 1836, be so amended that the stayor or stayors in all cases, shall have judgment over against the principal debtor or debtors, and his or their securities who join in obtaining the stay of execution, in the same manner that the securities of the principal debtor may have judgment, as provided in the act this is intended to amend.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 7, 1850.

CHAPTER XXXIX.

An Act to Charter a Railroad between the town of Clarksville, Tennessee, and Madisonville, Kentucky.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of establishing a communication by railroad between Clarksville, Tennessee, and Madisonville, Kentucky, the formation of a company is hereby authorized, which, when formed, shall be a body corporate, by the name and style of the Clarksville and Madisonville Railroad Company; and, by said corporate name, shall be capable, in law, to buy, receive by gift, hold, sell and convey real and personal estate, as hereinafter prescribed; make contracts, sue and be sued, to make by-laws, and to do all lawful acts necessary and proper to the transaction of business for which it is incorporated, and to have and use a common seal, and the same to alter and destroy at its pleasure, and shall have succession of members for 99 years. Corporation.

SEC. 2. Books for subscription, for four hundred thousand dollars, the capital stock of said company, in shares of fifty dollars each, shall be opened on the first day of April, 1850, and shall be kept open for ninety days, between the hours of ten o'clock in the morning, and four in the evening, of each of these days, at the following places and by the following commissioners, to wit: At Clarksville, by G. A. Henry, Wesley Wheless, R. W. McClure, N. A. Martin, John H. Pritchett, E. Howard, David Browder, R. S. Moore, Wm. F. Fall, S. A. Sawyer, W. C. McClure, N. B. Dudley, W. B. Munford, John R. Payne, Albert Wheatley, Bryce Stewart, and P. Lawrence; at Hopkinsville, Kentucky, by John P. Campbell, John Stites, Fidelis C. Sharp, James F. Buckner, Henry Stites, and Minor E. Gray; at Madisonville, by Samuel Woodson, John Ray, Frank Wilkins, John B. Frost, Willis Younger, and Ambrose G. Gordon. Capital Stock. Commissioners.

SEC. 3. That said commissioners or any of them, at each of the places aforesaid, shall receive subscriptions for stock in said railroad company during the time the said books are directed to be kept open, and on each share, so subscribed, shall demand and receive the sum of fifty cents.

SEC. 4. As soon as the time for receiving subscriptions, as aforesaid, shall have expired, the said commissioners shall, respectively, deposite all the money so received by them in some incorporated bank redeeming its notes in specie, to the credit of the Clarksville and Madisonville Railroad, and subject to the order of the president of the Money to be deposited in bank.

board of commissioners hereafter appointed, and shall also forward a list of all the subscribers to said stock, with the number of shares each subscriber has taken, to a board of commissioners, to be composed of the following persons, to wit: Thos. W. Barksdale, W. P. Hume, Joshua Elder, John S. Hart, and Thos. McCulloch, who may establish rules to govern their proceedings, choose their own president, and appoint such other officers and agents as they may think proper, and prescribe their duties, and who, or a majority of them, shall meet at Clarksville on the first Monday in July next, ascertain the whole number of shares taken in said company, and publish the same in some newspaper published in the town of Clarksville, on or before the first Monday in July next next, and if the sum of one hundred thousand dollars has been subscribed, on each share of which there has been paid the sum of fifty cents, the Clarksville and Madisonville Railroad Company shall be regarded as formed, and thenceforth and from the day of closing the books of subscription, as aforesaid, the said subscribers to the stock shall form a body corporate and politic, in deed and in law, by the name and for the purpose aforesaid, and in all things to be represented by the board of commissioners, aforesaid, until the election of a board of directors as hereinafter prescribed.

Survey of Road.

SEC. 5. If, on closing the books aforesaid, the sum of one hundred thousand dollars shall not have been subscribed, then and in that case, the board of commissioners, by themselves or their agents, may receive subscriptions till the said sum be taken, and whenever that sum shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, of which notice shall be given as herebefore mentioned, and may proceed to survey the route for the road and make an estimate of the cost of its construction; and the said board of commissioners may, by themselves or their agents, at such time and place as they may think proper, and upon such terms as to time and manner of payment as they may deem expedient, receive additional subscriptions until the said sum shall have been subscribed; upon which, the company may be formed, and the subscribers shall thenceforth be a body corporate, as aforesaid: *Provided*, The same shall be done on or before the first Monday in October, 1850, and for the residue of the original sum the corporation, when organised, may in like manner receive additional subscriptions.

Shares reduced.

SEC. 6. In case more than four hundred thousand dollars shall have been subscribed on closing the books when they are first opened, the shares shall be reduced to that

number by deducting the surplus shares from the highest subscribers, placing them on equality of number, as far as can be done, and after such reduction the holders of the remaining shares shall form the company and be interested therein in proportion to the number of shares which they may then respectively hold.

SEC. 7. If on closing the books on the first Monday in October, said sum shall not have been subscribed, the money paid by each subscriber shall be returned to him by the said board of commissioners, after defraying the expenses of opening the books and of making a survey and map of the route and estimate of the cost of the road which the said commissioners are hereby authorized to have made, as soon as practicable.

Money Refunded.

SEC. 8. The affairs of the company shall be managed by a board of directors, to consist of nine, five of whom shall constitute a quorum; and who shall be chosen by the stockholders, from their own body; and a president shall be elected by the directors from among their own number, in such manner as the regulations of the corporation shall prescribe.

Elections.

SEC. 9. As soon as the said sum shall have been subscribed, it shall be the duty of the commissioners appointed, to declare the same; to appoint a time for the stockholders to meet in Clarksville, and give notice thereof by publication in some newspaper in Clarksville and Hopkinsville, at which time the stockholders, in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations, rules and by-laws as may be necessary for the government of the corporation and the transaction of its business. The persons elected directors, at this meeting, shall serve for such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places, where the subsequent elections of directors shall be held, and such elections shall thenceforth be annually made; but if the day of annual elections should pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such elections in such manner as may be prescribed by a by-law of the corporation; and said directors shall hold their office till their successors are elected.

Powers of the Board.

SEC. 10. The board of directors may fill all vacancies which may occur in it during the period for which their board shall have been elected, and, in the absence of the president, may fill his place by electing a president *pro tempore*.

SEC. 11. All contracts and agreements authenticated

by the president of the board, shall be binding on the company, without seal or such other mode of authentication may be used as the company, by their by-laws, may adopt.

Contracts not to
exceed avail-
able fund.

Sec. 12. The board of directors shall not exceed in their contracts the amount of capital of the corporation and of the funds which the company may have borrowed and placed at the disposal of the board, and in case they should do so, the president and directors who may be present at the meetings at which such contract or contracts so exceeding the amount, aforesaid, shall be jointly and severally liable for the excess both to the contractor or contractors and the corporation: *Provided*, That any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded on the minutes of the board, and giving notice thereof to the next general meeting of the stockholders.

Parallel road pro-
hibited.

Sec. 13. After the route of said railroad shall have been accurately surveyed and adopted and a plat thereof deposited in the office of the Secretary of State, it shall not be lawful for any railroad to be built or contracted in any way or manner or by any authority whatsoever, running laterally within twenty miles of the route so adopted, unless by said company or with the consent of the board of directors thereof, for the time being: *Provided*, Nothing in this act shall be so construed as to conflict with or take away any of the privileges of the Nashville and Henderson Railroad Company.

Rates of Trans-
portation.

Sec. 14. The said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandise and produce over the said railroad to be by them constructed: *Provided*, That the charge of transportation and conveyance shall not exceed the rate of two cents per ton per mile on heavy articles, and two cents per cubic foot on articles of measurement, for every hundred miles, and five cents a mile for every passenger. *And provided, also*, That the said company may, when they see fit, farm out their rights of transportation on said road subject to the rates above mentioned.

Calls on Stock.

Sec. 15. The board of directors may call for the payment of forty-nine and a half dollars on each share of stock, in such sums as they may deem necessary, in every thirty days; *Provided*, That twenty days' notice shall be given of such call in at least one public newspaper of the county in which any of the stockholders may reside, and a failure to pay or secure to be paid, according to the rules of the company, any of the instalments so called, as aforesaid, shall induce a forfeiture of the share or shares

on which default shall be so made and all payments thereon, and the same shall invest in and belong to the company and may be restored to the owner or owners by the board of directors, if they deem proper, by the payment of all arrears on such shares and legal interest thereon; or the directors may waive the forfeiture after thirty days' default and sue the stockholders for the instalments due, at their discretion.

SEC. 16. The stock of said company may be transferred in such mannner and form as may be directed by the by-laws of said corporation.

SEC. 17. The said company may at any time increase its capital to a sum sufficient to complete the said road, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and books, and the manner in which the same shall be done, in either case, shall be prescribed by the stockholders, at a general meeting, and any State or any citizen, corporation or company of this or any other State or country, may subscribe for and hold stock in said company, with all the rights, and subject to all the liabilities, of any other stockholder.

Increased capital.

SEC. 18. The board of directors shall once in every year, at least, make a full report on the stock of the company and its effects to a general meeting of the stockholders, and oftener if directed by a by-law; and shall have power to call a general meeting of the stockholders when the board may deem it necessary.

Board to report annually.

SEC. 19. Stockholders may vote by proxy or in person, and shall in all elections be entitled to one vote for each share he may own: *Provided*, He has owned the same for three months previous to the election at which he proposed to vote.

Votes.

SEC. 20. The said company may purchase and hold, and have in fee or for a term of years, any lands, tenements, or hereditaments which may be necessary for said road and appurtenances, or for the erection of depositories, store houses, houses for the officers, servants, or agents of the company, or for work-shops or foundries to be used for the company, or for procuring timber, stone or other material necessary for the construction of the road or its appurtenances, or for effecting transportation thereon.

Hold Real Estate.

SEC. 21. The said company shall have the right, when necessary, to construct said road across or along any public road or water course.

May buy bridges
and turnpike
roads.

SEC. 22. The said company may have and hold any bridge or turnpike road over which it may be necessary to carry the said railroad, and, when such purchase is made, to hold the said bridge or turnpike road on the same terms and with all the rights which belong to the individuals or corporation from which such purchase may be made: *Provided*, the said company shall not obstruct any public road without constructing another as convenient as may be.

SEC. 23. When any land or rights of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation, to be made by five commissioners or a majority of them, to be appointed by the circuit court of the county where some part of the land or right of way is situated, and the said commissioners, before they act, shall severally take an oath, before some justice of the peace, faithfully and impartially to discharge the duty assigned them. In making said valuation the commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being taken or the right of way surrendered, and also the benefit and advantage he, she or they may receive from the erection or establishment of the said road or works, and shall state, particularly, the nature and amount of each, and the excess of loss and damage over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way. The proceedings of said commissioners, accompanied by a full description of said land or right of way, shall be returned under the hands and seals of the commissioners to the court from which the commission issued, there to remain of record. In case either party to the proceeding shall appeal from the valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury, who shall be charged, therewith, in the same term or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted, and the lands or right of way so valued by the commissioners or jury, shall vest in the company in fee simple so soon as the valuation may be paid, or when refused may be tendered. When there may be an appeal, as aforesaid, from the valuation of the commissioners by either of the parties, the same shall not prevent the works intended to be constructed from proceeding; but

Damages.

when the appeal is by the company, requiring the surrender, they shall proceed in their works only on consideration of giving the opposite party a bond with good security, to be approved of by the clerk of the court to which the valuation is returned, in a penalty equal to double the valuation, conditioned for the payment of said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court: *Provided*, That when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed during the pendency of any proceeding to assess its value as aforesaid, nor shall any injunction or supersedeas be awarded by any judge or court to delay the progress of said work.

SEC. 24. In the absence of any contract with the company in relation to the lands through which the road may pass, signed by the owner thereof or by his agent, or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner thereof, and the said company shall have good title thereto; and shall have, hold and enjoy the same, as long as the same may be used only for the purposes of the road, and no longer, unless the person or persons owning the same at the time that part of the road which may be on said land was finished, or those claiming under him, her or them shall apply for an assessment for the value of said lands as hereinbefore directed within one year next after that part of said road was finished; and in case the said owner or owners or those claiming under him, her or them shall not apply for such assessment within one year next after the said part was finished, he, she or they shall be forever barred from recovering the said land or having any assessment or compensation therefor: *Provided*, Nothing herein contained shall effect the rights of *femes covert* or infants until two years after the removal of their disabilities.

Right of Way
presumed, when.

SEC. 25. The said company shall have all the rights of storage, that storage merchants have, and may build store houses and fix rates of storage at their store houses, which shall be published; but rates different from those published may be fixed by private contract with the company or its agents.

SEC. 26. The profits of the company or so much thereof as the board of directors may deem advisable, shall, when

Profits.

the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

SEC. 27. Whenever said railroad shall pass across any public road, it shall be so constructed as not to prevent the passage of persons and property over such public road.

Additional Powers.

SEC. 28. Said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter and for the successful construction and management of the work.

SEC. 29. This charter shall be amendable by the Legislature whenever the president and directors shall unanimously petition for the same, specifying what amendments are desired.

SEC. 30. When the road hereby chartered shall be finished, and the Nashville and Henderson Railroad is finished up to the road hereby chartered, and connected with the same, this road shall be merged into the Nashville and Henderson Railroad; this charter shall then expire by limitation, and the road hereby chartered shall become part and parcel of the Nashville and Henderson Railroad; the stockholders in this road shall become stockholders in the Nashville and Henderson Railroad, and shall be subject to all the provisions of the charter of said road.

SEC. 31. *Be it enacted*, That the counties through which said road may pass, may take stock therein and levy a property and poll tax for the purpose of raising the amount so subscribed: *Provided*, That before the county court shall levy any tax or take any stock, they shall appoint a day for a general election to be held at all the precincts of said county, at which time and places the qualified voters of said county shall vote; those voting for the subscription and tax, shall mark upon their tickets—"For the subscription;" and those voting against it shall have marked on their tickets—"Against the subscription;" and if a majority of those voting shall cast their votes in favor of the subscription, the county court shall proceed to take stock in said road, and levy the tax aforesaid: *Provided further*, The amount subscribed shall not exceed the amount of the county revenue levied for county purposes for the three preceding years: *And provided further*, That the levies made to pay the same, shall not exceed the amount of the county levy for the year in which said tax is levied.

Counties may be Taxed.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 28, 1850.

CHAPTER XL.

An Act to incorporate a Company to be called the Double Spring Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there be established a spinning and manufacturing company, that the subscribers thereto, their associates and successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name and style of the Double Spring Manufacturing Company, for the purpose of spinning cotton and manufacturing cotton goods, at or near the mouth of Roane's Creek, in the county of Johnson, in this State, and by that name and style they and their successors shall be and are made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and to make and use a common seal and the same to alter and renew at pleasure, and they and their successors and assigns, in their corporate name, shall be and they are hereby made capable in law to purchase and hold any lands or tenements, goods or chattles necessary or convenient for carrying on the spinning and manufacturing purposes as aforesaid, and the same to use and employ, grant and dispose of as they shall deem proper, and to have all the rights and privileges pertaining to corporate bodies necessary for the purposes of their incorporation, and that the books for the subscription of stock in said company shall be opened in the town of Taylorsville, in the county aforesaid, under the superintendence of the following named commissioners, to wit: John Shull, Philip D. Gentry, and Jacob F. Perkins, of the county of Johnson; and Samson W. Hampton and John W. Taylor, of the county of Carter; a majority of whom shall have power to perform the duties of their appointment. That said commissioners shall, at such times as may meet their convenience and as to them may seem most proper, give twenty days' notice of the time and place of opening said books at three public places in the county of Johnson, and which books shall remain open for the period of ten days.

SEC. 2. *Be it enacted,* That the capital stock of said company shall be ten thousand dollars with power to increase the same to fifty thousand dollars, which shall be divided into shares of one hundred dollars, each, and as soon as fifty shares of the stock shall be subscribed the commissioners above named or a majority of them shall, upon like notice, call a meeting of the stockholders of said company, who shall proceed to elect five directors.

No subscription of stock shall be valid or make the subscriber a stockholder unless the commissioners are satisfied the same will be paid from time to time as called for, or unless the subscriber shall be able to pay or will secure the payment of the same.

Calls of Stock.

SEC. 3. *Be it enacted*, That as soon as said directors are elected and twenty per cent. on the amount of stock subscribed shall have been paid, it shall be lawful for said company to commence operations, and the directors for the time being or a majority of them shall have power to call for and demand of the stockholders respectively, all such sum or sums of money by them subscribed and which shall remain unpaid at such time and in such proportions as they shall see fit, always giving notice of said calls as before specified, and the same shall, from time to time, be paid by the stockholders under pain of forfeiture of their shares and all previous payments made thereon to said company.

Books re opened.

SEC. 4. *Be it enacted*, That it shall be lawful for the stockholders or a majority of them under the superintendence of said commissioners or directors or a majority of them, after the books shall have remained open for ten days as aforesaid upon like notice at any time they shall proceed to re-open books at the same places for further subscriptions of stock until the whole shall be taken.

Elections.

SEC. 5. *Be it enacted*, That the capital stock, property and business of said corporation, shall be managed by five directors, being stockholders, to be elected as aforesaid, and they shall hold their office for one year and until others are elected and qualified in their places, and the stockholders may vote either in person or by proxy and all elections shall be by ballot, allowing each share one vote. The stockholders shall appoint three persons from among themselves to be inspectors and judges of the first election, and the said directors when elected shall choose one of their number, president, and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company, and shall appoint three stockholders as inspectors and judges of elections, and if the president and directors shall fail, refuse or neglect to call annual meetings for the election of directors as herein prescribed, the stockholders or a majority of them may give the notice, call meetings and elect directors in like manner as if the said president and directors had given notice as prescribed by this act, but if it shall happen that two or more stockholders have an equal number of votes then the directors, for the time being, shall, by ballot, determine which of said stockholders

shall be directors. And the said president and directors or a majority of them, may, from time to time, make, ordain and execute such by-laws and regulations for the government of said corporation in its proceedings, and for the management of the stock and property of said company as may by them be deemed necessary and convenient: *Provided*, The same be not repugnant to the constitution and laws of this State, or the United States. And the said president and directors, or a majority of them, may appoint such agents, clerks and secretaries as they shall think proper and useful for the purposes of said company, and may take of them such bond or bonds, with security, for the faithful performance of the duties assigned them, as shall be thought necessary; allowing said agents, clerks and secretaries, such compensation as shall be agreed upon; and may remove them or any of them, at pleasure. And if any vacancy shall happen among the directors, by death, resignation or otherwise, which vacancy may be filled until the next annual election, by such person or persons as the other directors may appoint.

Powers of the Board.

SEC. 6. *Be it enacted*, That if it should happen that an election of directors should not be made on the day designated in the notice, the said corporation shall not, for that cause, be deemed dissolved, but it shall and may be lawful to make and hold an election for directors on some other designated day, of which notice may be given.

SEC. 7. *Be it enacted*, That the stock and property of said corporation, of whatever nature or kind the same may be, shall be deemed personal property, and shall be assignable and transferable on the books of said corporation in such manner as shall be prescribed by the by-laws of said corporation.

Stock personal property.

SEC. 8. *Be it enacted*, That a dividend of the profits of said corporation shall be made annually, or semi-annually, as shall be thought best by the said president and directors among the stockholders; but no stockholder indebted to the corporation, shall be permitted to receive a dividend until such debt be paid to the satisfaction of said president and directors.

Dividends.

SEC. 9. *Be it enacted*, That said president and directors shall keep, or cause to be kept, proper books of account of the business and affairs of said company, which shall be subject at all times to the inspection of each and all the stockholders, and the president and directors, on going out of office, shall account to their successors, and pay over all monies, assets and effects of the company in their hands.

SEC. 10. *Be it further enacted*, That Louis Lanier, Felix R. Rains, Eli Morris, West H. Humphreys, C. K.

Nashville Me-
chanics' Manu-
facturing Compa-
ny.

Winston, Isaac Paul, James Overton, John Trimble, William L. Nance, Aaron V. Brown, Ephraim H. Foster, A. V. S. Lindsley, James M. Marshall, or any five of them and their successors, are hereby incorporated by the name and style of the Nashville Mechanics manufacturing company, and five of whom may open books at such times and places as they may choose, and receive subscriptions of stock for said company, which said company has hereby granted to it all the corporate powers appertaining to the Tennessee Manufacturing company and subject to all the restrictions contained in the charter of said company passed January 27th, 1844.

Powers.

SEC. 11. *Be it enacted*, The capital stock of said company shall be divided into shares of fifty dollars each, and shall consist of not less than one hundred shares nor more than four thousand, and the provisions of the charter granted to the Nashville and Farmers' Manufacturing Companies on the second day of January, 1850, shall extend to, and be taken as part of this charter except so far as the same may be inconsistent with the provisions of this act.

Raleigh Manufac-
turing Compa-
ny.

SEC. 12. There is hereby created in Shelby county a body corporate by the name of the Raleigh Manufacturing Company for the purpose of manufacturing articles from cotton, wool or silk; with a capital stock of not less than twenty nor more than one hundred thousand dollars, in shares of fifty dollars. The said company is empowered to make by-laws for the government of its members, directors and agents, not inconsistent with the laws of this State, to have succession, sue and be sued, and is hereby clothed with all the powers and privileges and subject to all the restrictions and provisions conferred on a company chartered at the present session of the General Assembly, called the Edgfield Manufacturing Company, and the charter granted to the said Edgfield Manufacturing Company—so far as the same is not inconsistent with the provisions of this act—is hereby incorporated into and shall form a part of the charter here granted to the Raleigh Manufacturing Company.

Commissioners.

SEC. 13. That Samuel Bond, John Pope, Daniel Coleman, William Reeves, S. M. Allen, S. B. Hawkins, Wm. L. Dewoody, and Charles Kortrecht, or any three of them are hereby appointed commissioners to open books in Shelby county for the subscription of stock to said company, and when the sum of twenty thousand dollars shall be subscribed, said company shall be considered as formed, and may organize, ordain their by-laws, elect their officers and proceed, under this charter, in the exercise of the powers and privileges here granted.

SEC. 14. *Be it enacted*, That all persons who shall subscribe stock to the company, which this act is intended to incorporate, be and they are hereby constituted and declared to be a body corporate and politic, by the name and style of the Bon-Air Manufacturing Company, at the great falls of the Caney Fork. Bon-Air Manufacturing Company.

SEC. 15. That said company shall have succession of members for ninety-nine years; that its capital stock may be extended to two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be transferable on the books of said company, under such regulations and restrictions as said company's by-laws may prescribe. Capital Stock.

SEC. 16. That said company may purchase and hold in fee simple such water privileges on Caney Fork, in Warren and White counties, in this State, together with such real estate as they may deem necessary for the purpose of carrying on the manufacture of all goods of which cotton, wool, and hemp, and flax form a part, and for the establishment of flour and paper mills, and for the manufacturing of machinery. Hold real estate

SEC. 17. That said company may sue and be sued in all courts of law and equity; may have and use a common seal; and make such by-laws for the regulation and government of the affairs of said company as may be deemed proper: *Provided*, The same are not inconsistent with the laws and constitution of the State of Tennessee and of the United States.

SEC. 18. That the business of said company shall be conducted by a board of directors to be chosen from amongst the stockholders annually; said board of directors shall be composed of five members of the corporation and to be elected by a majority of those voting, each stockholder being entitled to one vote for each share he may own, and said board when so elected shall choose one of their members to be president thereof, and shall hold their offices until their successors shall be elected.

SEC. 19. Said board shall have power to call for and demand of said stockholders the payment of the sums subscribed by them to the capital stock of said company in such instalments as they may deem best for the interest of the company, and may have power either to declare such shares as shall not be paid upon the calls made by them, forfeited to the company or to proceed against such delinquent stockholders by action of debt before any tribunal having cognizance thereof. Calls

SEC. 20. That the board of directors of said company shall annually at the expiration of their term of office make a written report to the stockholders, exhibiting the

amount of stock subscribed, the amount paid in and the amount expended and received in the business of said company; and said board shall never have power to incur greater liabilities in behalf of said company than the amount of its capital stock.

Commissioners.

SEC. 21. *Be it further enacted*, That James H. Rhodes, Hugh L. Hill, Uriah York, Mason Bryen, John Witt, Pinkney Wammac, Enoch Stedman, be and they are hereby appointed a board of commissioners to open books and receive subscription to the capital stock of said company; any three of them shall have power to open books, after due notice thereof, at such times and places as they may deem most expedient to receive subscription to the stock of said company.

SEC. 22. *Be it further enacted*, That when two hundred shares shall have been subscribed, the said commissioners or a majority of them, shall proceed to declare the company organized, and shall call a meeting of said stockholders at such place as they may designate, of which meeting at least ten days' notice shall be given.

Elections.

SEC. 23. That when the stockholders shall have met as above required, they shall immediately proceed to the election of a board of directors, and it shall be the duty of said board before entering on other duties to draw up and submit to the stockholders for their ratification such by-laws for the regulation and government of said company as they may deem expedient, which by-laws, when ratified by the stockholders, shall be entered on the books of the company and shall not be amended or repealed except at a general meeting of the stockholders.

Chattanooga Iron
Manufacturing
Company.

SEC. 24. *Be it enacted*, That the fifteenth section of an act passed 27th November, 1847, entitled "an act to incorporate the East Tennessee Iron Manufacturing Company, and for other purposes" be so amended that the capital stock of the "Chattanooga Iron Manufacturing Company shall not be less than ten thousand dollars nor more than three hundred thousand dollars."

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 2, 1850.

CHAPTER XLI.

An Act to incorporate the Lebanon and Trousdale Ferry Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers of stock for building a road from Lebanon by Trousdale Ferry to the road leading from Carthage to Sparta, as in this act provided, shall constitute a body corporate and politic, by the name of the Lebanon and Trousdale's Ferry Turnpike Company.

SEC. 2. The capital stock* of said company shall be twenty thousand dollars, in shares of fifty dollars each; but if a greater sum shall become necessary to complete the road, the board of directors may raise the capital to the necessary amount: *Provided*, It shall not exceed one hundred thousand dollars. Capital Stock.

SEC. 3. That John Gordon, Nathan Ward, Joseph R. Smith, William Allison, Gregory Moore, of Smith county, and Peter A. Cartwright, Paulding Anderson, A. G. Finley, M. C. Haskins, John H. Edwards, of Wilson county, are appointed commissioners to receive subscription to the capital stock aforesaid. Commissioners.

SEC. 4. As soon as five thousand dollars are subscribed, the commissioners shall appoint a meeting of the subscribers at Salisbury, in Wilson county, giving said subscribers for stock due notice of said meeting; at said meeting the stockholders or as many of them as shall assemble, shall elect seven directors, each one of whom shall be a stockholder, each shall have as many votes as he has shares, as well in the election of directors as in all other matters in which, by this act, he may be entitled to vote; he may vote in person or by proxy, the proxy being a stockholder, authorised in writing, conferring the general power to vote as his representative, or a special power to cast his vote in the particular way directed. Elections.

SEC 5. The directors first elected shall continue in office until the first Saturday in September, 1851, when the second election shall be held, and ever afterwards, elections shall be held biennial, on the first Saturday in September, at Salisbury, unless a majority of the stockholders shall at any meeting designate a different place for the succeeding election. If at any time there shall be a failure to make an election at the regular time, the directors in office shall continue in office until their successors are duly elected. Directors.

SEC. 6. When assembled as aforesaid, on any occasion, in pursuance to the call of the directors, the stockholders

may decide upon any matter of interest to the company, and the directors shall carry the same into effect.

Quorum. SEC. 7. To constitute a quorum at any meeting of stockholders, a majority of shares shall be represented.

SEC. 8. The directors shall call meetings of the stockholders, whenever in their opinion the interest of the company may require it.

SEC. 9. Five directors shall constitute a quorum for business.

Officers. SEC. 10. On the election of the first directors, they shall proceed to receive subscription for the necessary amount of stock, have the road surveyed and do whatever else may be necessary and proper to have said road built; they shall elect one of their number president, and shall elect such other officers as they may think necessary.

SEC. 11. Not more than five dollars shall be called on each share at any one time of which the stockholder shall have twenty days' notice.

Calls. SEC. 12. If any stockholder shall fail to pay any call, his stock may be sold by order of the directors for the amount of the call or calls that may be due; and the purchaser of it shall have all the rights and be subject to all the liabilities of the original subscriber. If it does not bring the amount, the original owner shall be liable to suit for the balance, and it shall be the duty of the president of the board of directors to cause suit to be forthwith instituted for the collection of said balance, under penalty of himself being personally liable for said balance, unless by order of the board not to institute such suits.

Damages. SEC. 13. Any person over whose land the road may run, may petition the circuit court; whereupon the court shall order the sheriff to summons a jury of five freeholders to assess the damages, taking into view the benefit the petitioners will derive from the road or upon the return of the report to the court, if confirmed, judgment shall be rendered, and execution shall issue.

SEC. 14. Timber, gravel, stone or either, may be taken by said company or its agents from any land adjacent or convenient to the road, for the making and repairing thereof, or if damages are claimed therefor, they shall be recovered as provided in section 13.

SEC. 15. The president and directors may purchase and hold one hundred acres of land, adjacent to each toll gate.

Style of road. SEC. 16. The road shall be bedded twenty-four feet wide, with sufficient ditches, culverts and bridges to drain the water, and shall be cleared of timber at least eight feet on each side of the bed, the first coat of stone or gravel to be sixteen feet wide, six inches thick; the

second coat to be eight feet wide, six inches thick, and of the same size of the Lebanon and Sparta Turnpike, the road to be graded to four degrees.

Sec. 17. The company shall be entitled to one gate ^{Gates.} for every five miles of the road; and when the first five miles are completed from Lebanon, they may put up a gate, and so on till the whole is completed; there shall be no gate nearer than one mile of Lebanon.

Sec. 18. The toll at each gate shall be as follows: ^{Tolls.} One cent per head for hogs or sheep; two cents per head for cattle, or for horses or mules in a drove; for horses or mules not in a drove nor employed in dawning, five cents per head, whether mounted or not; for every loaded wagon twenty-five cents; every empty wagon ten cents; every loaded cart ten cents; every empty cart five cents; for buggies and barouches and other similar two-horse carriages, fifteen cents; other two-horse pleasure carriages, twenty-five cents; for one-horse buggies and other similar vehicles for the conveyance of persons, ten cents; other vehicles for the transportation of goods or produce, ten cents.

Sec. 19. No one shall be at liberty to pass any gate ^{Penalty.} without paying the toll to which he is liable, or if he does, the gate keeper may sue him in the name of the company before any justice of the peace, and recover five dollars in addition to the amount of toll for which he is liable.

Sec. 20. On information given by any person on ^{Out of Repair.} oath to any justice of the peace, that the road has been twenty days out of repair, the justice shall issue a warrant to some constable or the sheriff, against the nearest gate keeper or the president of the directory, to appear before him at a time and place therein specified, and also commanding him to summons three freeholders to appear before him at the time and place, to investigate the complaint. If they find it true, the justice shall give judgment that the nearest gate or the two nearest gates in his discretion shall be opened and charge no toll until the road is duly repaired, and also for the costs of the proceedings; on due proof before the justice that the road is repaired, he shall order that the gate be again closed.

Sec. 21. The officer and justice shall be entitled to ^{Fees.} the same fees as for other similar services, and the jurors provided for in this act shall be entitled to fifty cents each.

Sec. 22. The stockholders at their first meeting ^{Stock in work.} herein provided for, or at any other regular meeting of stockholders may determine whether they will receive

subscription for stock payable in work on the road or not, which determination shall be noticed on the books of the company, and be binding on the company.

SEC. 23. The directors or stockholders when assembled shall have power to pass all necessary by-laws.

SEC. 24. The company shall have four years to build said road.

LONDON C. HAYNES.

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 8, 1849.

CHAPTER XLII.

An Act to charter Owen and Winstead Turnpike Company, and for other purposes.

Commissioners. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William Hartsfield, F. R. Rains, Peter C. Rines, Herbert Owen, William Caruthers, Hugh J. Patterson, William O. Hunt, John Rains, jr., John Fitzhugh, Alexander Watson, of Davidson county; John M. Winstead, Dr. James B. Owen, Luke L. Smith, Jeremiah Primm, sr., Hezekiah Hill, John P. Chadwell, jr., and Henry Tindall, of Williamson county, be, and they are hereby appointed commissioners to open books, at any time and place they may choose, for the subscription of stock, to be used in the constructing of a McAdamized Turnpike Road from some suitable point on the Nolensville Turnpike Road to Henry Tindall's mill in Williamson county.

Capital stock. SEC. 2. That the capital stock of said company shall be a sufficient sum to construct said road, not to exceed thirty thousand dollars, divided into shares of twenty-five dollars each.

Elections. SEC. 3. That so soon as two thousand dollars of the said stock of the said road shall be subscribed for in cash or labor, any three or more of the said commissioners shall call a meeting of the stockholders of the said company at Herbert Owen's store or Jeremiah Primm's shop, by giving fifteen days notice of the time and place of meeting in some newspaper printed in the city of Nashville, and at such meeting, the subscribers for stock in said road shall elect seven direc-

ters, one of whom shall be president, who shall hold their office for two years, and until their successors are elected.

SEC. 4. That the President and Directors may in ^{Route of road.} such manner, as they think best, solicit and procure additional subscription for stock, and shall either by themselves or some competent person or persons appointed by them, mark, lay out and locate said road, commencing at or near the seven mile creek on the Nolensville turnpike road; thence up the valley of the West Fork of Mill Creek, with as little injury to enclosures as may be, passing east of Herbert Owen's store, and near the dwellings of Jesse H. Philips, John Edmondson and Jeremiah Primm's shop, on the most favorable and practicable route from the Nolensville turnpike road to Henry Tindall's mill in Williamson county.

SEC. 5. That the said president and directors shall ^{Lettings.} have the power to let out and put under contract the said road in parcels great or small, as they may think best, to contractors for cash or stock in said company.

SEC. 6. That the said president and directors shall ^{Style of road.} cause the said road to be graded twenty-five feet wide, and within five degrees of a level, covered with fine beaten stone or gravel, sixteen feet wide and nine inches deep, with suitable ditches or drains on each side.

SEC. 7. That the said president and directors shall be ^{Incorporation.} and they are hereby made a body politic and corporate, may sue and be sued, plead and be impleaded, by the name and style of the "Owen and Winstead Turnpike Company," and shall have all the privileges, rights and immunities given by law to the Nolensville turnpike company.

SEC. 8. That said company may erect a gate and ^{Gates.} charge and receive tolls on said road, so soon as they shall have completed five miles thereof, and may continue to erect gates, and receive tolls for every additional five miles so fast as the same shall be completed, and that the first gate on the Owen and Winstead turnpike road shall not be established nearer than two miles of the Nolensville turnpike road.

SEC. 9. That the said company may demand and re- ^{Tolls.} ceive the same tolls that the Nolensville turnpike company are allowed by law to receive.

SEC. 10. That the Nolensville turnpike company may <sup>Nolensville Com-
pany may take
stock.</sup> subscribe for stock enough to build one mile of said road; *Provided*, Said subscription shall be unanimously agreed to by the directors on the part of the State; and

provided further, That the State's subscription shall not exceed the sum of \$750, to be paid out of the tolls of said Nolensville turnpike company; *and provided*, The State shall be entitled to dividends arising from the revenues of said branch road, in that proportion which the investment of the State's funds in its construction bears to the whole cost of its construction.

East Tennessee
and Georgia
Rail Road.

Sec. 11. That so much of the act of the fourth of February, 1848, as requires the Governor of the State to endorse and guaranty the bonds of the East Tennessee and Georgia Rail Road Company, to the amount of three hundred and fifty thousand dollars, be and the same is hereby repealed, and instead of said endorsement and guaranty, and for the purpose of aiding in the completion of the East Tennessee and Georgia Rail Road, it shall be the duty of the Governor of the State and he is hereby required, whenever he is satisfied that said Rail Road Company, has so far progressed in the construction of said road as to make it prudent and proper, to procure the iron rails and equipments for completing the same in sections of forty miles or more. Then and in that case he is hereby authorized and required to issue coupon bonds of the State, for an amount sufficient to pay for the iron rails and equipments to be placed on the sections which have been so far progressed with. The bonds hereby authorized to be issued shall mature in not less than thirty nor more than forty years after date; payable in the United States wherever directed, and bearing an interest of six per centum per annum payable semi-annually. And in like manner whenever additional sections of not less than twenty miles in extent, shall likewise be so far progressed with as to make it prudent and proper to procure and pay for the iron rails and equipments for completing the same, it shall be the duty of the Governor, to issue the bonds of the State, for a sufficient amount to finish such additional section, until the whole line of road from Dalton to the Tennessee river has been completed; under the same rules and upon the same conditions as provided for to enable said company to complete the first section. *Provided, however*, that the whole amount of bonds which the Governor of the State, is authorized to issue to said company, shall not exceed the sum of three hundred and fifty thousand dollars, the amount of said endorsement and guaranty as aforesaid, for the completion of said road from Dalton to the Tennessee river.

State of Tenn.

Sec. 12. *Be it enacted*, That the iron rails to be used on said road shall comply with the following requisi-

tions. If the U rail is used, the same shall not weigh less than eighty tons to the mile. If the T rail is used, the same shall not weigh less than one hundred tons to the mile.

Sec. 13. *Be it enacted*, That all other rail road companies which have been chartered or which may hereafter be chartered, shall have full power and privilege of crossing the said railroad, and may connect with the same upon the terms and conditions set forth in the fortieth section of the Nashville and Chattanooga railroad charter. And it shall not be lawful for said company to refuse such connection, or exact other terms and conditions than such as are mentioned in the Nashville and Chattanooga railroad charter.

Privilege of all
Rail Roads.

Sec. 14. *Be it enacted*, That the Governor of the State is hereby authorized and required to appoint a faithful agent, whose duty it shall be to control, so far the bonds of the State, hereby authorized and required to be issued, as to see that the same are exclusively applied to the payment for the rail road iron and equipments, including engines and cars for the rail road company above named, and for no other uses or purposes.

Governor to ap-
point Agent.

Sec. 15. *Be it enacted*, That the express conditions on which any bonds under this act shall be issued to said company is, that, upon the issuance of said bonds to said company, the said road with all its appurtenances, and the interest of the individual stockholders therein and the tolls, issues and profits of said road from Dalton to the Tennessee river, shall be, and is by force of this act, vested in the State for the security of the State against the payment of the debt authorized by this act, and the interest thereupon accruing, and the State is hereby declared to be vested with the right to have and to hold, upon the issuance of any bonds to said company under this act. The entire road from Dalton to the Tennessee river, and all the appurtenances thereto belonging, and all the tolls, issues and profits of the stock for the security of the debt and interest aforesaid, and the Governor of the State, is hereby, on behalf of the State authorized, if he may deem it necessary, to appoint an agent to receive said tolls and profits and issues, and to apply them to the extinction of the interest accruing on the debt authorized by this act. And it is made the right of the State, and the condition on which this aid or loan is extended to said company, that the said company shall be bound at any time, to surrender to an agent or receiver, appointed by the Governor, the entire road and

Bonds, upon
what conditions
issued.

its appurtenances for the due execution of this act, if in the judgment of the Governor, the interests of the State, and the due application of the tolls and profits of the road shall require that he should appoint such agent, and demand the possession and control of said road, as secured to the State by this act.

May institute legal proceedings.
 SEC. 16. *Be it enacted*, That if any legal proceedings, may, in the judgment of the Governor be necessary to do justice to the State, he may direct the Attorney General of the State, to prosecute the same in any court of equity in the State, and service of process on the President, or on any director, shall be equivalent to service on the stockholders.

Read free from the
 SEC. 17. *Be it enacted*, That before any bonds shall be issued under this act to said company, the Governor shall be satisfied that no lien, mortgage or encumbrance, either legal or equitable, exists on said road, appurtenances or individual stock or the tolls and profits of said road, and he is hereby required to have full and satisfactory proof of that fact so that the tolls vested in the State in this act, shall be a full and satisfactory security, for the loan to the actual value of the property herein conveyed to the State.

SEC. 18. *Be it enacted*, That the terms and conditions of this act and the acceptance of the terms thereof, shall be ratified and agreed to by the individual stockholders, before the bonds shall be issued.

Hiwassee bridge.
 SEC. 19. *Be it enacted*, That this act is not intended to require, previous to an issuance of bonds, the extinction of the mortgage and debt on the Hiwassee bridge. But the said bridge as part of said road, is vested in the State on the issuance of bonds subject to the mortgage executed for the payment of the construction of it.

Agent to give security.
 SEC. 20. *Be it further enacted*, That the agent herein required to be appointed by the Governor, to control the bonds authorized by this bill, to issue, shall give bond and sufficient security, for a faithful discharge of his duties, in double the amount of the bonds placed in his hands.

Bonds to be sold at par.
 SEC. 21. *Be it enacted*, That the bonds that this act authorizes to be issued to the East Tennessee and Georgia Rail Road Company, shall not be sold for less than the amount specified in each bond.

Commissioners to examine turnpike roads.
 SEC. 22. *Be it enacted*, That it shall hereafter be the duty of the Governor, upon the application of the President and Directors of any turnpike road in which the State may be a stockholder, to appoint three commissioners for said road, who shall live convenient to

the same, whose duty it shall be to view and examine the state of repair of said road as often as they may think necessary and proper, and if on such examination, the said commissioners, or any two of them, shall be of opinion that any part of said road is not in good repair, and has been so for the space of twenty days, they shall thereupon give notice in writing to the nearest gate keeper to the place, where said road may be out of repair, requiring said gate keeper to cease from collecting toll until the said defective portion of the road is repaired and put in proper condition.

SEC. 23. *Be it enacted*, That any gate keeper who shall demand and collect toll, after receiving such notice from said commissioners, (who shall specify in their notice the part requiring repair,) before the same is put in travelling repair, such gate keeper shall be subject to such penalties as are now prescribed by law. Penalty of gate keeper . . .

SEC. 24. *Be it enacted*, That each commissioner appointed as aforesaid, shall be entitled to receive one dollar per day for his services, which shall be paid by the President, Directors & Co. of said road. Commissioners' fees.

SEC. 25. *Be it enacted*, That before entering upon the duties of their appointment, the said commissioners shall make oath before some acting Justice of the Peace, that they will faithfully discharge their duty and act impartially between the public and the corporation owning said road. To take oath.

SEC. 26. *Be it enacted*, That any person who shall violently and by force break down any turnpike gate, or tear up any post belonging to the same, shall upon conviction be deemed guilty of a misdemeanor, and fined in a sum not less than five dollars, and if deemed an aggravated case, may be imprisoned within the discretion of the court before whom the same is tried. Penalty for breaking down gate.

SEC. 27. *Be it enacted*, That all laws authorizing the county courts to appoint commissioners, or Justices of the peace to appoint freeholders to act and decide upon the state of repair of turnpike roads and throw open the gates thereof, be and the same are hereby repealed, in relation to roads for which the Governor may appoint commissioners under this act. Repeal of former laws.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed January 30, 1850.

CHAPTER. XLHI.

An Act to incorporate the Springfield and Whites Creek Turnpike Company and for other purposes.

Commissioners. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. W. Pepper, J. C. Starks and Albert G. Green, of Robertson county, and James Yarborough, Thomas Byer, F. G. Earthman, and G. Marshall, of Davidson county, be and are hereby appointed Commissioners for the purpose of receiving subscriptions to the amount of thirty thousand dollars, to be applied to the purpose of making a Turnpike **Route of Road.** Road to leave the present Whites Creek Turnpike road at some suitable point between where said road passes the north boundary of Thos. Byrol's land, and the present residence of Judith Hudson, by the way of the Whites Creek Springs to Springfield: which sum of thirty thousand dollars shall be divided into shares of fifty dollars each, and the subscription therefor shall be made in person or by some legally appointed agent for that purpose.

Incorporation. SEC. 2. *Be it enacted*, That so soon as ten thousand dollars shall be subscribed, a meeting of the stockholders shall be held at Marshall, Wilkinson & Earthman's steam mill, of which meeting the Commissioners shall give at least fifteen days notice in some newspaper printed in Nashville, and also a paper printed in Springfield; after which meeting of the Stockholders they shall be a body corporate and politic by the name of the Springfield and Whites Creek Turnpike Company, together with those who may afterwards subscribe for or purchase stock, and shall so continue and have perpetual succession.

Elections. SEC. 3. *Be it enacted*, That the subscribers, or a majority of them, being present at the first meeting, shall elect seven Directors, who shall elect one of their number President of the Board of Directors; and the President of the Board of Directors, and the President and Directors thus chosen shall continue in office two years and until another election shall take place to fill their places; of which election notice shall be given in some newspaper printed in Nashville and also in Springfield. The President and Directors thus chosen shall have power to open books and receive subscriptions as they may think best for the remainder of said sum of thirty thousand dollars, or an amount sufficient to construct said road, or by themselves or other suitable persons to be appointed

by them to view and mark out the road the most practicable route from the point of beginning designated in the first section, by the way of Whites Creek Springs to Springfield. They shall also make contracts for the opening and construction of said road. They may from time to time require such advances on the Shares subscribed as the wants of the Company may require: *Provided*, that no call shall be made for more than five dollars on each share at any one time, of which twenty days notice shall be given in some newspaper printed in Nashville and also in Springfield. Said President and Directors shall have power in all cases of emergency to call a meeting of subscribers or stockholders by giving twenty days notice of the time and place in some newspaper as above. They may also appoint a Clerk, Treasurer and such other officers as may be necessary; and transact all the business of said company; they may prescribe the duties and fix the pay of all the officers or agents.

SEC. 4. *Be it enacted*, That if any subscriber shall fail to pay any calls that are made by advertisement as aforesaid, his stock may be sold for the amount of said call, and the purchaser shall have all the rights and be subject to all the liabilities of the original owners. If the stock does not bring the amount the original owner shall be liable to be sued for the balance, before any jurisdiction having cognizance thereof: and if it brings more than the call and cost, the overplus shall be paid over to the original owner.

Delinquent stock holders.

SEC. 5. *Be it enacted*, That the President and Directors, or any three of them shall be sufficient to transact ordinary business; and all vacancies that shall happen in the board between the regular meetings of the shareholders shall be supplied by the Directors, a majority of them present. The Clerk shall keep a regular journal of all the proceedings at the meetings, and enter ayes and noes when called for by any director; he shall furnish to each subscriber a printed certificate signed by the President, and by him attested, of the number of shares held by each subscriber, but such certificates shall be transferable only on the Books of the Company.

Duties of Clerk.

SEC. 6. *Be it enacted*, That immediately after the meeting of the subscribers, and the election of directors, the said directors, or a majority of them, or such persons as they may appoint, shall proceed to mark out said road as aforesaid in section three, and each director or other person so engaged in marking out said road shall be allowed not exceeding two dollars,

Location of road.

to be paid by the company for every day he may be necessarily engaged performing that duty.

Damages.

SEC. 7. *Be it enacted*, That if any person over whose land said road may run, claims damages for the same, and he and the company cannot agree on the amount, he may apply to the Circuit Court at its next or any subsequent term within two years, by petition, setting forth the nature of the case, and the Court shall appoint a jury of five disinterested persons to go upon the ground, and after being sworn by the Sheriff to answer the amount of damages which, in their judgment, the petitioner has sustained by the said road running through his or her land, or the land of his or her ward or wards in case of minors, which assessment of damages shall be made and signed by the said jury, and returned to the next term of said Court, and a judgment shall be entered and Execution issued for the same against the said President and Directors in favor of the person entitled to the same. *Provided*, in making out their reports the said jury shall always take into view the advantages of said road, and the increased value, if any, of the petitioner's land. The property in the said road when completed shall vest in the said company and their successors for the purpose of a highway, which shall be free for all persons on the terms and conditions hereinafter prescribed.

May buy land at
Gates.

SEC. 8. *Be it enacted*, That the President and Directors may purchase for the use of the company, any quantity of land not exceeding fifty acres adjacent to each toll gate, and take conveyance thereof to themselves and their successors: And for the purpose of making said road and keeping it in repair, the said President and Directors, or their agents or servants may cut, dig, quarry or take from any lands adjoining said road, such timber, gravel, stone, or earth as may be necessary for constructing and keeping said road in repair. If any person from whose land any timber may be taken shall conceive himself injured, and the amount of damages cannot be agreed upon between himself and the company, the matter shall be settled in the same manner prescribed in the 7th section of this act. This road shall be opened at least twenty-one feet wide, with sufficient ditches on either side to carry off the water or drain the road; with sufficient culverts and bridges over all the drains and streams said road passes over; the surface gradually descending from the centre to the ditches on each side. The grade of said road shall not exceed three degrees, except at Hawks Bridge, a little north of Whites Creek

Style of road.

Spring, which may be six degrees. Said road to have one coat of broken stone or gravel, eighteen feet wide and six inches thick; and another coat of the same, ten feet wide and of the same thickness. And in all respects shall be completed in a faithful and substantial turnpike manner.

SEC. 9. *Be it enacted*, That when five miles of said road is finished, the company shall be entitled to erect one gate south of Whites Creek Springs, and when the whole is finished two gates between that point and Springfield, and said company shall have a right to charge the same tolls at their gates granted by charter to the Whites Creek Turnpike Company. Gates and Tolls.

SEC. 10. *Be it enacted*, That if any person shall go round the gates of said company to avoid paying tolls, or shall refuse to pay toll at said gates, he or they shall be subject to a fine of five dollars to be recovered before any magistrate in the county where said gate is located. Penalty for passing Gates.

SEC. 11. *Be it enacted*, That when any person taking Stock wishes to pay the same in work, building said road, said Stockholder shall have a preference at the same price others would do the same for; or the same when done shall be valued by the Engineer and two disinterested persons, one to be chosen by each party. Stock may be paid in work.

SEC. 12. *Be it enacted*, That if said road is not commenced in two years and finished in five years thereafter this charter shall be forfeited.

SEC. 13. *Be it further enacted*, That should said company choose, they shall have privilege to extend said road to the Kentucky line, under the same rules and regulations as herein contained. May extend road.

SEC. 14. *Be it enacted*, That James A. Whitesides, Thos. McCaulie, Robert M. Hook, Berdiah Frazer, Milo Smith, and Joseph L. Gillespie, of Chattanooga, Hamilton county, be and they are hereby appointed Commissioners to open books at Chattanooga at any time they may choose for the subscription of stock, for the purpose of erecting an Iron Foundry, Steam Engine and Nail Manufacturing Company. Chattanooga Iron Foundry.

SEC. 15. *Be it enacted*, That the capital stock in said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each. Capital stock.

SEC. 16. *Be it enacted*, That so soon as twenty thousand dollars of said stock shall be subscribed, any three of said Commissioners shall call a meeting of the Stockholders in said company, at Chattanooga, by giving thirty days notice in the Chattanooga Gazette; and at such meeting the subscribers of stock in said com- Elections.

pany shall elect five Directors, one of whom shall be President. The President and Directors shall hold their office for one year or until their successors are qualified.

Incorporation.

Sec. 17. *Be it enacted*, That the subscribers for stock in said company be and are hereby created a body politic and corporate under the name of the Chattanooga Iron Foundry, Steam Engine and Nail Manufacturing Company, and by that name may sue and be sued, and may make contracts with or without seal, and have perpetual succession for ninety-nine years, and have all the rights and exercise all the powers and privileges conferred by the charter to the Edgefield and Allisonian Companies, passed in the years 1849 and 1850.

Powers.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 2, 1850.

CHAPTER XLIV.

An Act to incorporate the Franklin and Carter's Creek Turnpike Company and for other purposes.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That T. F. Atkison, Dr. Robert Glass, C. H. Kinnaird, Sam'l. S. Morton, T. F. Perkins, W. P. Cannon, Fielding Helm, Joseph W. Bennet, of Williamson county, be and they are hereby appointed Commissioners to open books at any time and place they may choose for the subscription of stock to be used in the constructing of a McAdamized Turnpike Road, running from the town of Franklin to the Maury county line, near Julius Hatcher's.

Capital stock.

Sec. 2. That the capital stock of said company shall be a sufficient sum to construct said road, not to exceed forty thousand dollars, divided into shares of twenty-five dollars each.

Sec. 3. That so soon as five thousand dollars of the said stock of the said road shall be subscribed for in cash or labor, any three or more of the said Commissioners shall call a meeting of the Stockholders of the said company, at the court house [in the town of Franklin, by giving fifteen days notice of the time and

place of meeting in some newspaper published in the county of Williamson, or in such other mode as they ^{Elections} may direct, and at such meeting the subscribers for stock in said road shall elect seven Directors, one of whom shall be President, who shall hold their offices for two years and until their successors are elected.

SEC. 4. That the President and Directors may in such ^{Route of road.} manner, as they think best, solicit and procure additional subscription for stock, and shall either by themselves or some competent person or persons appointed by them, mark, lay out, and locate said road, commencing at the corporate limits of the town of Franklin, and running on or near the old Natchez Trace road to the western boundary of Southall's land, the most practicable route, having due regard to the interest and convenience of the landholders thereon, thence to the bridge on West Harpeth, near C. H. Kinnard's, thence to Murfree's Fork of West Harpeth, crossing the same near the Christian Church, and thence to the Maury county line near Julius Hatcher's, the most practicable route to be pursued, having due regard to the interest and convenience of landholders situated thereon.

SEC. 5. That the said President and Directors shall have the power to let out and put under contract the said road, in parcels great or small, as they may think best, to contract or for cash or stock in said company.

SEC. 6. That the President and Directors shall cause ^{Style of road.} said road to be graded twenty-five feet wide and within five degrees of a level, covered with fine beaten stone or gravel, fifteen feet wide and nine inches deep, with suitable ditches or drains on each side, leaving thirteen feet grade for a summer road.

SEC. 7. That the said President and Directors shall ^{Incorporation.} be, and they are hereby made a body politic and corporate, may sue and be sued, plead and be impleaded, by the name and style of the Franklin and Carter's Creek Turnpike Company, and shall have all the privileges, rights, powers and immunities, given by law to the Nolensville Turnpike Company, except as they are altered by this act, and except that the State shall not be held liable for any portion of the stock in said company.

SEC. 8. That said Company may erect a gate, charge ^{Gates.} and receive tolls on said road, so soon as they shall have completed five miles thereof; and may continue to erect gates and receive tolls for every additional five miles, so fast as the same shall be completed; and that the first gate on said road shall not be located nearer than one and a half miles of the town of Franklin.

Tolls.

SEC. 9. That the said Company may demand and receive the same tolls that the Nolensville Turnpike Company are allowed by law to receive.

Valuation.

SEC. 10. That the President and Directors of said Company shall elect three freeholders not interested in said road directly or indirectly, who, after being duly sworn, shall examine and value such portion of said road as may be built by the labor of the stockholders, or undertakers, and return the same to the President and Directors of said company, who shall issue a certificate of stock to such stockholder or undertaker for the amount of the valuation returned as aforesaid.

Canoe Branch
Turnpike Co.

SEC. 11. *Be it enacted*, That William Douglass, William Elliot, John L. Swaney, N. D. Terry, Geo. M. Winchester, William B. Bate, David Chenault, John Patterson, James H. Patterson, Nelson Turner, and William Carter, be appointed Commissioners to open books for the purpose of receiving subscriptions to build a Turnpike Road, commencing at the mouth of Canoe Branch on Cumberland River, and to extend to such a point on the Gallatin and Scottsville Turnpike road, as may be agreed upon by the said Commissioners. The said subscriptions may be paid in money or work to be performed on said road to an amount sufficient to build the same, and so soon as subscriptions sufficient shall be made, said Commissioners shall call a meeting at the Castalian Springs, by giving ten days notice in writing of the time and place of said meeting. And after said Stockholders and such persons as may thereafter become Stockholders, shall be and are constituted a body politic and corporate, by the name of Canoe Branch Turnpike Company, and shall so continue, and may own, sell and buy property, sue and be sued, plead and be impleaded, in all the courts in this State or elsewhere, and be entitled to all the rights, powers, and privileges, and subject to the conditions, limitations, and restrictions granted and conferred upon the Bledsoe Creek Turnpike Company, as amended, except so far as the provisions of this act is inconsistent with the same.

May subscribe in
work.

SEC. 12. *Be it enacted*, That persons subscribing may subscribe and take so much of said road designating the part and distance, which shall be built and finished by the person or persons so subscribing, in a good and substantial Turnpike manner, to be graded twenty feet wide, cuts and fills to be made so as to reduce the grade to four degrees, and metttled with stone or good gravel ten inches deep and sixteen feet wide, with sufficient culverts and water drains on the sides and

across the road where necessary. And the said subscriptions in work shall be made as follows: The first mile or half mile and so on, completing the distance commencing at the mouth of said branch on Cumberland river. If two or more subscriptions shall take the same portion of the road, the board of Directors shall decide who shall have it, having due regard for the interest of the company.

SEC. 13. *Be it enacted*, That the Stockholders, or a ^{Elections.} majority of them, shall call a meeting and elect five Stockholders as Directors of said Company, who shall appoint one of their body President of the board, who shall hold their office two years, and until another election to fill their places; and ten days notice of said election shall be given in a newspaper published in the town of Gallatin. The President and Directors shall have power to designate the time and place of meeting, and to appoint such officers and agents as may be necessary to transact the business of the company, and prescribe their duties, and fix their salaries.

SEC. 14. *Be it enacted*, That so soon as five miles of said road shall be subscribed for, whether in money or in work, the election of Directors shall take place, and said road shall be laid down by a majority of the Stockholders; and if the whole of said road shall not be taken in work, but part of the stock in money, the President and Directors shall let out to the lowest bidder, such part remaining unsubscribed for as aforesaid, and apply the funds of the Company in the payment of the same.

SEC. 15. *Be it enacted*, That the work on said road shall be commenced in twelve months from the passage of this act, and said road finished within three years thereafter, or this charter shall be forfeited.

SEC. 16. *Be it enacted*, That when the work upon ^{Valuation of work.} said road shall be completed, such part as shall have been built by stockholders subscribing to build so much thereof, the stockholders shall have a meeting, and examine and fix upon the value of the work done upon said road by each of said stockholders so subscribing. And if they cannot agree, then three valuers shall be appointed, by a majority of the stockholders unconnected with the parties; who shall proceed to value each stockholder's work done on said road, which valuation shall be reported to the President and Directors of the company; and which shall be placed on the books of the company, and constitute so much stock in said turnpike company belonging to

the stockholder or his or her assigns, who may have done the work.

Forfeiture of stock. SEC. 17. *Be it enacted*, That in the event of any stockholders failing to perform and complete in a turnpike manner, his or their part of the road, within the time specified by this charter for the completion of said road, he or they shall forfeit his or their stock in said road to said company; and the President and Directors proceed to put such portion of the road under contract in the best way for the interest of the company.

Gates. SEC. 18. *Be it enacted*, That whenever said road shall be completed, according to the provisions of this charter, from the mouth of Canoe Branch on Cumberland river, to such point on the Gallatin and Scottsville turnpike road as may be agreed upon by the aforesaid commissioners, said company shall have power to erect not more than two gates, and receive at them the same rates of toll charged by the Gallatin turnpike on their road.

Hamilton and Harrison rail road Co. SEC. 19. *Be it enacted*, That the formation of a company is hereby authorized for the constructing a rail road from Harrison in Hamilton county to the Georgia Southern Atlantic rail road at the nearest and most practicable point at or near Bridgeman's mills, or any other place nearer, that the company may choose, which company shall consist of the stockholders, and when formed, shall be a body corporate by the name and style of the Hamilton and Harrison rail road company, and by such name shall have and enjoy, possess and exercise all the rights, privileges and franchises so far as the same are applicable, which the Nashville and Chattanooga rail road company, have by the terms of an act passed 11th December, 1845, entitled an act to incorporate the Nashville and Chattanooga rail road company, and be subject to the limitations and restrictions therein imposed; *Provided*, That each share shall entitle the owner thereof to one vote.

Commissioners. SEC. 20. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and A. J. W. Pucket, N. B. Beard, M. R. Allen, Dr. Hail and John Johnson are hereby appointed a board of commissioners, who may at such times and places, and upon such terms as they may think proper, sell or dispose of or open books for the subscription of said stock, and who shall as to this road in all respects have the power and perform the duties prescribed for the board of commissioners of the Nashville and Chattanooga rail road company by the 4th section of the act aforesaid in relation to that road,

and when the number of two hundred shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and the board of commissioners may proceed to survey the route of the road, and make an estimate of the cost of its construction, and when one hundred shares shall have been subscribed, the board of commissioners shall appoint a time for the stockholders to meet at Harrison for the purpose of electing a president and five directors, to manage the affairs of the company. The president shall be elected as the other directors are, by direct vote of the stockholders.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 17, 1850.

CHAPTER XLV.

An Act to establish the county of Scott, "in honor of Major General Winfield Scott."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be, and the same is hereby established, to be composed of fractions taken from the counties of Anderson, Campbell Fentress and Morgan, and to be known and designated by the name of Scott county, *Provided*, No more than six citizens shall be taken from the county of Fentress:

SEC. 2. That the county of Scott shall be bounded Boundaries. as follows, to wit: Beginning at a large Hickory on the bank of Crouches Creek, where the Kentucky State line crosses the same about forty poles west of the Clear river, thence south 45 degrees, west ten miles to a stake at the top of hell point opposite to where William Beard lives, thence south sixty degrees, west three miles to where Wheeler's turnpike road crosses the same, thence south 45 degrees west to a black oak and hickory on the top of the main Buffalow Mountain, about one half mile north of Richard Adkin's, thence south passing John L. Smith's at four miles, in all twelve miles to a point where the Anderson county line strikes New river, leaving William Massingale's 20 poles in the

new county, thence up New river, south 30 degrees east passing the mouth of Beech Fork at four miles, in all six miles, to a stake on the east bank of New river, thence south 80 degrees, west eight miles crossing Smoky Creek, at five and one half, so as to include William Rich, in all eight miles, to the Morgan county line on the divide between Smoky and Brimstone, thence north 65 degrees west, eight miles to a stake on Black Wolf about one mile above Andrew Lewallin's, thence north 40 degrees, west ten miles crossing the Clear fork, just below the mouth of Skull Creek, in all twelve miles, to a large pine on the divide between the Clear Fork and Honey Creek, about 20 poles west of Isaac Hill's, thence north 30 degrees, west four miles to New river at the mouth of Honey creek, thence down said river the same course, including the leatherwood bottom in the new county, in all six miles to a point at the mouth of Anderson's branch, thence north 45 west nineteen and a half miles to the Kentucky line, thence east with the Kentucky line fifty three miles to the beginning.

Commissioners.

SEC. 3. *Be it enacted*, That for the purpose of organizing the county of Scott, George Falkner, William Chitwood; Wain O. Cotton, Thomas Lawson, and Wm. Massingill of Campbell county, William Rich of Anderson county, John Triplet of Morgan county, and Drura Smith sr. of Fentress county, shall be and they are hereby appointed Commissioners, who shall take an oath before some justice of the peace, faithfully and impartially to discharge the duties imposed upon them in this act, and in all cases of vacancy that may occur among said Commissioners previous to the organization of the county court of Scott county, the same shall be filled by the other Commissioners, and all vacancies occurring after said organization shall be filled by the county court of Scott county; the said Commissioners shall enter into bond and security to be approved of by the county court of Scott county, and payable to the chairman thereof in the sum of three thousand dollars, conditioned for the faithful performance of their several duties. A majority of said Commissioners shall constitute a board competent to do all things herein enjoined on them. They shall keep a regular record of all their proceedings as Commissioners, which shall be returned to the county court of Scott county, at its first session, and the same shall be recorded by the clerk thereof on the records of said court, and they shall make such other returns, after the organization of said court as shall be directed thereby.

Sec. 4. *Be it enacted*, That it shall be the duty of said Commissioners, first giving twenty days notice in one public place, or more if they think necessary, of the time and places to open and hold an election at one place or more in each of the fractions proposed to be stricken off from the counties of Anderson, Campbell, Morgan and Fentress, for the purpose of ascertaining whether a majority of the voters residing in those fractions are in favor of or opposed to the establishment of the county of Scott; and all persons qualified to vote for members of the General Assembly, who have resided in the fractions proposed to be stricken off, six months next preceding the day of the election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county, shall have on his ticket the words new county, and those voting against the new county, shall have on their ticket the words old county, and if upon counting all the ballots, the judges of the several elections shall return that a majority of each of the fractions respectively have voted for the new county, then the county of Scott shall be, and the same is hereby declared to be a county, with all the powers, privileges and advantages, and subject to all the liabilities with other counties in this State.

Sec. 5. *Be it enacted*, That if from any cause elections should not be held in all or each of the fractions as before directed, the said commissioners shall proceed as soon as practicable, to hold said election so ordered to be held, in the same manner and under the same regulations as specified in the foregoing section, and in like manner if the said commissioners shall believe upon an investigation, which they are hereby authorized to institute, into the manner of holding the several elections, that any improper or fraudulent practices have been permitted they shall have power to declare the election so held in any fraction to be void, and proceed to hold another election in said fraction, first giving ten days notice in the manner herein prescribed.

Contingent election.

Sec. 6. *Be it enacted*, For the due administration of justice the different Courts to be holden in the said county of Scott, shall be held at the house of George McDaniel, until the seat of justice of said county shall be located. The county court shall in the intermediate time have full power to adjourn the courts to such other place in said county as they may deem better suited for the holding of the same; and for public convenience, and adjourn to the seat of justice, when in their judgment, the necessary arrangements are made; and all writs and other precepts issuing from any of

Seat of justice.

said courts, returnable to either place, shall and may be returned to the place to which said court may have been removed by the county court aforesaid; and the courts for the county of Scott shall be under the same rules, regulations, and restrictions, and shall have, hold and exercise, and possess the same powers and jurisdiction as prescribed by law for holding courts in other counties. Said court shall be attached to the second judicial circuit, and the circuit court shall be held by the judge of said circuit on the fourth Mondays of March, July and November in each and every year, and the citizens of said county may file bills in chancery at the chancery court held at Jacksboro, or Knoxville.

Officers.

SEC. 7. All officers civil and military, in said county, shall continue to hold their offices and exercise all the powers and functions thereof until others are elected according to law, and the said county of Scott, shall elect her officers on the same day, and under the same rules, regulations and manners as provided by law for the election of officers in the other counties in this State. *Provided*, That nothing in this act contained shall deprive the above named counties from having, holding and exercising jurisdiction over the territory composing the county of Scott and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers take place according to law. *Provided also*, nothing herein shall prevent the above named counties from entering up judgments, or the sheriffs of said counties from selling under such judgments any lands within the bounds of said county of Scott, for taxes, costs and charges, until the county of Scott is organized.

Commissioners may appoint persons to hold elections.

SEC. 8. That the commissioners appointed by this act shall appoint such persons as they may deem of suitable qualifications, to open and hold the election for county officers for the said county of Scott; and such person so appointed shall be, and he is hereby invested with full power and authority to appoint deputies to administer all the necessary oaths, and to do and perform all other duties as by law are required by sheriffs or other officers holding similar elections.

Fractions to vote as heretofore.

SEC. 9. That citizens of Scott county, in all elections for Governor, Representatives in Congress, members of the General Assembly, and electors for President and Vice President of the United States, shall vote with the counties from which they have been respectively stricken off, until the next apportionment agreeable to the provisions of the fifth section of the tenth article of the Constitution.

SEC. 10. That it shall be the duty of the commissioners aforesaid, as soon as practicable after the county of Scott shall have been established, to select and procure by purchase or otherwise a suitable site for the seat of justice in said county, having due regard to the convenience and wishes of a majority of the citizens of said county, and the said commissioners having first caused a deed to be made to themselves and their successors with general warranty, to a sufficient quantity of land, including the site so selected, shall cause a Town to be laid off thereon; with as many streets of such width as they may deem necessary, reserving a sufficient quantity of land for a public square, said commissioners shall designate and reserve from sale one lot on which to build the public Jail of said county; said Town as soon as laid off shall be known by such name as said commissioners may give it.

Commissioners
to select site.

SEC. 11. That the commissioners shall sell the lots in said town on a credit of at least twelve months, first giving due notice thereof in one or more newspapers, and shall take bonds with sufficient security from purchasers of said lots payable to themselves and their successors in office, and shall make title in fee simple as commissioners to the respective purchasers of said lots.

May sell lots.

SEC. 12. The proceeds of the sales of the lots aforesaid shall be a fund in the hands of said commissioners, for defraying the expenses incurred in the purchase of said tract of land on which said seat shall be located, and also for defraying the expenses of erecting the public buildings for said county of Scott.

Proceeds of sale.

SEC. 13. The commissioners shall superintend the erection of such public buildings as the county court of said county shall order and direct to be built, and shall let the same out, and shall take bonds from undertakers with ample penalties and sufficient securities payable to themselves and their successors, conditioned for the faithful performance of his or their contracts, the balance if any of the proceeds arising from the sales of the lots herein authorised to be laid off and sold, remaining in the hands of commissioners after defraying the expenses of purchasing the Town site for the county seat, and the costs of public buildings ordered to be built by the county court, shall be paid over by said commissioners to the Trustee of the said county of Scott, to be held, applied and accounted for by him as other county funds.

Public buildings.

SEC. 14. The said commissioners shall also appoint five suitable persons as commissioners, whose duty it

To district county

shall be to divide and lay off said county of Scott into civil districts; designate the place for holding elections therein, and do and perform all the duties relative thereto, which by the laws of the State, such commissioners are authorized or required to do.

Military organization.

SEC. 15. That the county of Scott shall form one Regiment, which shall be known and designated as the 163rd Regiment, and shall be attached to the first Division and fourth Brigade; the military officer or officers highest in command included in said county of Scott, shall at such time and place as he or they may determine upon, call all the commissioned officers together, and such of them as shall attend, are hereby authorized and empowered to lay off said county into Battalions and companies, and provide for holding said elections for the purpose of electing all officers in said Regiment, in the manner provided by law.

Constitutional limits not to be violated.

SEC. 16. Should the boundary line of Scott county as designated in the second section of this act, approach nearer to the county seat of either of the old counties, from which the territory constituting the county of Scott is taken, than is prescribed by the constitution, it shall be the duty of the commissioners herein appointed to appoint some surveyor who shall re-run and re-mark such line or lines, so as not to violate the constitutional limits of said old county, and said surveyor shall make a report to the county court of Scott county, which report so made shall be recorded by the clerk of said court, and such line so run shall be the established line of said county.

SEC. 17. That the commissioners of Scott county, be and they are hereby authorized to exercise all the powers conferred in this act, and such other powers as may be necessary and proper to the complete organization of said county of Scott.

SEC. 18. That before the said county shall be established, said commissioners shall be satisfied from an actual survey, that said county contains not less than three hundred and fifty square miles, and a population of four hundred and fifty qualified voters, and that said counties of Anderson, Campbell, Morgan and Fentress, will not be reduced below the constitutional limits; *Provided*, That the survey ordered by this Act may be dispensed with if there is no opposition to the organization of the county, and all alleged reduction of the county or counties below their constitutional limits from which said county of Scott is stricken.

Organization.

SEC. 19. That if the new county of Scott shall fail to organize against the first Saturday in March next, and

consequently fail to elect necessary county officers as prescribed in the 7th Section of this act, they shall proceed to elect their county officers on the first Saturday in July next, thereafter, under the same rules and regulations as is now prescribed by law, and such officers so elected shall hold their offices until the regular time of electing county officers in this State and no longer.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 17th, 1849.

CHAPTER XLVI.

An Act supplemental to an act entitled An Act to incorporate the Mutual Protection Insurance Company of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Trustees of the Mutual Protection Insurance Company of Nashville, shall be authorized, (in addition to the powers and privileges heretofore granted,) to obtain subscriptions to a Guaranty Capital Stock, not exceeding one hundred thousand dollars, to be divided into shares of fifty dollars each, one fifth part of which, or ten dollars per share, shall be paid at the time of subscribing, and the balance may be called for by the Trustees in such instalments as they may deem necessary or expedient; and shall be paid by the holders of the stock, which shall stand pledged to the company, until each and every instalment is paid; *Provided,* that said company pay one fourth of one per cent. per annum. on the said one hundred thousand dollars for the use of Common Schools.

SEC. 2. That every Stockholder owning ten shares of said stock, shall be eligible to the office of Trustee, and that each share of said stock shall entitle the holder to one vote in the election of Trustees.

SEC. 3. That whenever the nett surplus receipts of the company over and above their losses and expenditures, and after providing for risks, shall be sufficient for the purpose, the stockholders shall be entitled to an annual dividend not exceeding eight per cent., and in case such dividend shall not be made in any year, it shall be made good at a subsequent period, when the

nett resources of the company shall be sufficient for the same.

Surplus. SEC. 4. That after providing for risks, losses, expenses and dividends, aforesaid, the Trustees shall divide the surplus, if any, amongst the members of the company, in proportion to the amount received from each, and issue certificates for the same, as provided for in section 13, of the act of incorporation.

Redemption of Capital Stock. SEC. 5. That whenever, at the end of any year, the amount of certificates issued shall exceed ten thousand dollars, the Trustees shall apply such sum as they may deem expedient, to the redemption of Guaranty Capital Stock, and shall continue in like manner, from time to time, to apply the future profits of the company to the redemption of said stock, until the whole shall be redeemed; after which, the company shall be purely mutual, and the nett profits shall be annually distributed, in accordance with the act of incorporation.

Knoxville Marine Fire Insurance, and Life and Trust Co. SEC. 6. *Be it enacted*, That an act passed January 19, 1838, to incorporate the Knoxville Marine Fire Insurance and Life and Trust Company, be and the same is hereby renewed, except so much of the same as may conflict with this act, which is intended to amend the same.

Capital Stock. SEC. 7. That said company may commence its operations with a capital stock of fifty thousand dollars, with the privilege of increasing the stock to one hundred and fifty thousand dollars, to be divided in shares of fifty dollars each, which body politic shall have perpetual succession by the name and style of the Knoxville Marine Fire Insurance and Life and Trust Company.

Commissioners. SEC. 8. *Be it enacted*, That William H. Sneed, Horace Maynard, D. P. Armstrong, William Williams, and S. D. Jacobs, or any three of them, are hereby authorized to open subscription in Knoxville for the capital stock of said company, on the first Monday of April next, and to keep them open the whole of said week, unless the stock shall be sooner subscribed. If within the time here specified, two thousand shares shall have been subscribed for, it shall be lawful for the stockholders to meet and choose five directors, three of whom shall constitute a quorum sufficient to transact business.

SEC. 9. That the word April is hereby substituted for the word March, and the figures 1851 for 1839, where the same occurs in the last line but one of sec. 15 of the act which is hereby amended; and wherever the word March occurs in said act, the word April is hereby substituted, and the word October is hereby substi-

tuted for the word September wherever the same occurs in said act.

LANDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed, Feb. 7, 1850.

CHAPTER XLVII.

An Act to authorize John Scribner of Maury county, to raise his Mill Dam to such a height as to enable him to do efficient grinding.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Scribner of Maury county, be authorized to build his Mill Dam on Fountain Creek, to a height sufficient to enable him to do efficient grinding; *Provided*, In raising said Mill Dam, he shall not raise it to a height sufficient to drown or injure the next mill on the creek above his; *And provided further*, That he be liable for any damage that may accrue to any and all persons who may be injured by the raising of said Mill Dam.

SEC. 2. *Be it enacted*, That William Horseley be and he is hereby authorized to erect a dam above his mill in Haywood county, at the upper end of the slough on which his mill is situated, and across that part of Forked Deer river, running on the opposite side of the island from his mill in Haywood county; *Provided*, That said dam shall not be higher than low water mark and shall not obstruct or impede the navigation of said river.

Wm. Horseley's
 Mill.

SEC. 3. The said William Horseley in erecting said dam may be permitted to raise the wings at each end of his dam higher than low water mark, but shall leave sufficient space between said wings to admit any boat or other water craft running on said river to pass through with safety, and without being obstructed.

LANDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed, January 10, 1850.

CHAPTER XLVIII.

An Act to incorporate Clear Spring Academy in Greene county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That George M. D. Parry, E. F. Messer, Abraham Naff, A. W. Brabson, J. H. Russell, Joseph B. Dobson, James H. Dinwiddie, John Crabtree, John Crawford, Jacob L. Millburn, Joseph Kennedy, J. P. Crawford and John Olinger, be and they are hereby constituted and appointed a body politic and corporate, by the name and style of the President and Trustees of Clear Spring Academy, in Greene county; and by that name may sue and be sued, plead and be impleaded, and shall have perpetual succession, and a common seal, and shall have, hold and acquire all property, both real and personal, which may be necessary for the purposes of the Academy, and shall have, exercise and enjoy all such rights, powers and privileges as are usually possessed and exercised by the Trustees of other incorporated Academies, and may ask, demand and sue for any monies to which said Academy may be entitled under any law of this State for the benefit of Academies.

Quorum.

SEC. 2. Any five of said Trustees shall constitute a quorum for the transaction of business, and upon the death, resignation, removal or refusal to act, such vacancy may be filled by a quorum of the Board.

Officers and By-laws.

SEC. 3. The Trustees are authorized to elect a President and all other officers necessary for the management of the institution, and may make such by-laws, as they may deem necessary, not inconsistent with the laws of the land.

Apollonian Society of Franklin College.

SEC. 4. That L. S. Lavender, S. Y. Caldwell, W. Y. Houston, D. J. Towson, J. B. Clarke, J. C. Roberts, W. M. King, S. G. Sanders, W. R. Cox, D. Galbraith, J. B. Weyman, J. P. Houston, J. A. Warren and those others associated, and their successors be, and they are hereby incorporated and constituted a body politic by the name and style of the Apollonian Society of Franklin College, for the purpose of mutual improvement in the arts and sciences, with full power and authority to form and adopt such a constitution and by-laws as may be thought proper for its government; *Provided*, that the same be not inconsistent with the constitution or laws of the United States, the State of Tennessee, or of Franklin College.

Pen.

SEC. 5. That said corporation may have and use a common seal, may sue and be sued, plead and be im-

pleaded, answer and be answered, in any court of law and equity in this State or elsewhere, and may hold any books, maps, charts, or any other property which may be given, granted or devised to them, whether real, personal or mixed, not exceeding ten thousand dollars in value, and may sell and convey the same at pleasure, and may in general exercise all powers usually belonging to corporate bodies, for the purpose of promoting and disseminating useful knowledge; and shall have all the privileges given to the Philomathian Literary Society, and subject to all the laws governing the same, except so far as the same may be inconsistent with the provisions of this act.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 17th, 1850.

CHAPTER XLIX.

An Act to repeal the first section of an Act passed Feb. 5th, 1848, entitled "An Act to amend the charter of the Lebanon and Nashville Turnpike Company."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of an Act passed on the 5th February, 1848, chapter 200, entitled "an Act to amend the charter of the Lebanon and Nashville Turnpike Company be, and the same is, hereby repealed.

SEC. 2. *Be it enacted*, That the Stockholders in said road shall be entitled to one gate on the Stewart's Ferry arm, *Provided first*, that the gate shall not be so located that the travel upon said arm will have to pay at more than two gates, to the city of Nashville, and second, that said Stockholders build a free bridge across Stone's River at Stewart's Ferry.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed November 14, 1849.

CHAPTER L.

An Act to charter the Stone's River and Statesville Turnpike Company.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That B. Hurt, and E. Hamilton, of Davidson county; and Isaac Rutland, Andrew Baird, John E. Baker, Thomas Kirkpatrick, Andrew Gwinn, Joseph Walker, A Simmons, J. Williams, J. H. Kennedy, Anthony Owen, James M. Armstrong, Uriah Jennings, Thomas H. Knight, Paschal Bottoms, Thomas Word, W. W. Huddleston, Jeremiah Cason, Edmond Gilliam, William Arbuckle, J. B. David, John Word, G. A. Huddleston, Daniel Richmond, Asaph Alsey, sr., William F. Rich, William Woodrum, J. W. Marshall, William Thompson, J. M. Alexander and Samuel T. Williams, of the county of Wilson; be and they are hereby incorporated, for the purpose of constructing a turnpike road from Stewart's ferry in Davidson county, to Statesville in Wilson county, under the name and style of the Stone's River and Statesville Turnpike Company, to exist as a body politic and corporate for the term of ninety-nine years.

Capital stock.

SEC. 2. *Be it enacted*, That the persons mentioned in the first section of this act, or any five of them be, and they are hereby authorized to open books for the subscription of stock to build said road, in shares of fifty dollars, to be paid in labor or money, as said company may order, the capital stock of said company shall not exceed sixty-five thousand dollars.

Gates.

SEC. 3. *Be it enacted*, That the said company may commence the construction of said road when the sum of five thousand dollars is subscribed, and they shall have power and authority to open a gate, so soon as five miles thereof is or may be completed from Stewart's ferry, and for every additional five miles, said company may complete of said road, they may open a gate and charge the same rate of toll as is now charged on the Nashville and Lebanon turnpike road. Said road shall be sixteen feet wide, varying from two to three degrees, and finished after the same manner that the Nashville and Lebanon road is.

Tolls.

Officers.

SEC. 4. *Be it enacted*, That the persons whose names are mentioned in the first section of this act, or any five or them, shall, after the sum of five thousand dollars shall have been subscribed, and before they shall have commenced the construction of said road, elect from their own body a President, Secretary and Treasurer, for said company, who shall hold their office for one

year, and shall receive such pay as said company may allow.

SEC. 5. *Be it enacted*, That when said company is ^{Powers.} organized, as provided in the fourth section of this act, they shall have power to pass all rules and by-laws necessary for their regulation, so that the same are not inconsistent with the constitution and laws of this State.

SEC. 6. *Be it enacted*, That said company shall have five years in which to complete said road, from and after the passage of this act.

SEC. 7. *Be it enacted*, That said company may sue and be sued, plead and be impleaded, by their corporate name, and service of process on the President of said company shall be sufficient to compel the appearance of said company in any suit or action.

SEC. 8. *Be it enacted*, That said company may make and use a seal, and may pass by-laws, regulating the manner of transferring the stock in said company, as well as for the regulating of said company in all other respects.

SEC. 9. That said company may, if it choose, extend ^{May extend road to Moses Fite's.} said road from Statesville to Moses Fites, in DeKalb county.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed December 7, 1849.

CHAPTER LI.

An Act to incorporate the Stone's River Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Incorporation.} *State of Tennessee*, That the subscribers for the stock hereinafter mentioned, shall be, and they are hereby constituted a body politic and corporate by the name and style of the Stone's River Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have a common seal and succession for ninety-nine years.

SEC. 2. That R. P. Smith, Thomas C. McCampbell, ^{Commissioners.} William McMurray, Jas. M. Murrell, William A. Binnis, Addison Buchanan, and C. W. Nance, or any five of

them, are hereby appointed Commissioners to open Books to receive subscriptions for stock in said company, at such times and places as they may deem best, the books to be opened at least within six months from the passage of this act.

Capital stock. SEC. 3. That the capital stock of the company shall be fifteen thousand dollars to be increased if necessary, divided into shares of twenty-five dollars each, and applied to construct a McAdamized road from the Murfreesboro' Turnpike Road, beginning at a point on said turnpike where the old Lebanon road leaves the same about one mile from Nashville, and run upon or as near to said old Lebanon Road as may be most practicable, crossing Mill Creek below Smith's Mill to McMurray's Hill, and from thence the most practicable route to Stone's River, so as to divide the country between the Murfreesboro' and Lebanon Turnpike roads as nearly as may be found convenient.

Route.
Organization. SEC. 4. That any five of the Commissioners named in the second section of this act, shall be Commissioners to locate said road, and when the sum of five thousand dollars is subscribed, the Commissioners shall give twenty days notice in some newspaper printed in Nashville, to elect Directors, pass by-laws, and organize the company.

Powers and Privileges. SEC. 5. That the provisions of the acts of the 3d February, 1848, entitled "an act to incorporate the Nashville and Hillsboro' Turnpike Company, and for other purposes" and the provisions of the act of the 21st January, 1846, entitled "an act to incorporate the Mill Creek Valley Turnpike Company" shall extend to the Stone's River Turnpike Company, except so far as the same may be inconsistent with the provisions of this act.

Disposition of tolls. SEC. 6. That so soon as four miles of said road shall be completed, the company shall be authorized to erect a toll gate, which shall be located within one mile of the intersection with the Murfreesboro' turnpike road, and all the tolls collected at said gate after paying the gate keeper, and keeping the first five miles of the same in repair, shall be accounted for at the close of each and every year, and one fifth of the same shall be paid over to the President and Directors of the Murfreesboro Turnpike Company as compensation for the portion of said Murfreesboro' turnpike, used by the travel from said Stone's river turnpike road.

SEC. 7. *Be it enacted*, That there shall never be more than one toll gate on said road between the town of

Nashville and the foot of McMurray's hill, where the McMurray road intersects the same, and in the event, said road shall be extended beyond Stone's river, it shall not intersect the Statesville and Stone's river turnpike east of the first toll gate on the same.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 17, 1850.

CHAPTER LII.

An Act to incorporate Washington Institute in Davidson county.

Whereas, a number of citizens of Davidson county, being deeply impressed with the importance of promoting good morals, solid learning, and advancing the useful and ornamental arts, and aiding the cause of education generally; have obtained a site and erected suitable buildings thereon. Wherefore to give the Trustees the necessary powers, to further their laudable undertaking:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That R. Buchanan, Thos. S. King, John R. Wilson, John Overton, B. F. McGehee, R.B. C. Howell, Nathaniel Brown, E. H. East, A. J. Cole, Robt. Davis, Thos. H. Everett, R. P. Smith, Neill S. Brown, J. J. B. Southall, A. L. P. Green, H. M. Waterson, C. W. Nance, J. H. Edmondson, John Kirkman, Thos. McCampbell, Lafayette Ezell, Sam. Carter, W. H. Rains, Wm. H. McLaughlin, John L. Young and John R. Buchanan, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of Washington Institute, and shall have perpetual succession, and are invested with all legal powers and capacities to buy, receive, possess, hold, dispose of, a lien and convey any property either real or personal for the use and benefit of said Institution, shall have a common seal, may sue and be sued, and do whatever may by them be deemed necessary for the advancement of learning in said Institution.

SEC. 2. *Be it enacted*, That said Board of Trustees may have power to fill all vacancies that may occur in

their body from death, resignation or otherwise; to declare the seat of any member vacant, who may fail to attend their meetings for a year together, or who may commit any act calculated to impair the credit or otherwise injure the Institution.

General powers. SEC. 3. *Be it enacted*, That said Board of Trustees may from time to time, make such by laws and ordinances for the government and well being of the Institution, consistent with the laws and constitution of the United States, and of the State of Tennessee, as they may deem necessary and proper, to elect a faculty and empower the same to take charge of the several departments of learning, and fix their salaries. To adopt such measures as may be expedient to increase the funds and property of the Institution, and shall convene at least once in each session, and as often as the presiding officer may think proper to call meetings, which at least three days notice shall be given to each member of the Board; and seven members of said Board may constitute a quorum to transact business.

Degrees and Honors. SEC. 4. *Be it enacted*, That the faculty with the advice and consent of the Board of Trustees, shall have full power and authority to confer upon any student in said Institution or other person, any degrees and honors usually conferred in any College or University in this State or in the United States.

Funds. SEC. 5. *Be it enacted*, That the estate already acquired, and such as may hereafter be possessed, shall be and remain for the use of the said Institution, and for the advancement of learning and morals at their Institution, and shall not be diverted to any other use or purpose.

SEC. 6. *Be it enacted*, That in addition to the usual course of instruction in Colleges, the trustees shall have power to establish a department for teachers, in which a proper course of instruction and training shall be adopted, to qualify students for practical teachers; and may grant such rewards and honors for merit as in their judgment may be proper.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 4, 1850.

CHAPTER LIII.

An Act to entitle either party to any Suit before a Justice of the Peace in this State to a Discovery.

SECTION 1. *Be it enacted by the General Assembly of the State Tennessee*, That either party to a suit pending before any justice of the peace of this State, shall be entitled to a discovery from the other party, of all matters material to the issue in such suit, in all cases where the same party would be entitled, by rules of equity, to a discovery in aid of said suit.

SEC. 2. To entitle a party to such discovery he shall present a petition verified by the affidavit of himself or some other creditable person, to the magistrate, setting forth the matter upon which his claim to a discovery is founded, the fact sought to be discovered, and such interrogatories, in relation thereto, as may be thought necessary to exhibit, in order to obtain a full discovery. Petition.

SEC. 3. The justice of the peace, before whom said petition is filed, may grant an order requiring the party or parties from whom the discovery is sought to answer the interrogatories exhibited in the petition, or that he or they show good cause why he or they ought not to answer them; and he may further order the trial of the suit to be stayed until the order be complied with or vacated. Justice may grant order.

SEC. 4. The petition and order to answer, shall be filed with the papers in the office of the justice of the peace, and a copy thereof served upon the other party or his attorney, at least one day before the trial of the cause, and the justice may exercise the same powers therein as would be had, or might be exercised, in a court of equity, on a bill of discovery in aid of a suit at law.

SEC. 5. The answer of the party to the interrogatories shall be evidence on the trial of the suit in the same manner, and with like effect, as an answer to a bill in equity for a discovery; and if the party shall neglect or refuse to answer the interrogatories, and the petition shall, according to the course in equity, be finally taken for confessed, the facts stated in the petition, and therein sought to be discovered, may be given in evidence upon the trial as facts admitted by the party from whom the discovery is sought. Answer.

SEC. 6. That the provisions of this act shall apply to all cases that are within the jurisdiction of the justices of the peace, when desired by either party.

SEC. 7. *Be it enacted*, That so much of an act passed on the 28th January, 1850, entitled an act to simplify Statute of Limitation repealed.

the administration of the law in certain cases, as authorizes any statute of limitation to be pleaded to bonds and instruments under seal, be and the same is hereby repealed.

LONDON C. HAYNES.

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 2, 1850.

CHAPTER LIV.

An Act for the benefit of the Widows of persons dying intestate and without heirs at law, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, when any person shall die intestate, leaving no heirs at law capable of inheriting real estate under the laws of Tennessee, but leaving a widow, then, in that case, the said widow shall be entitled in fee simple to all the real estate of which her said husband died seized and possessed: *Provided,* The said real estate shall be liable to the payment of all the just debts of said intestate in the same way and to the same extent, that such real estate is now liable.

SEC. 2. That the provisions of this act shall be extended to and embrace all cases, in which persons may have heretofore died intestate, as mentioned in the first section of this act, as well as those who may hereafter die intestate, and for the recovery of such real estate suits have not been brought, or if brought, have not yet been determined.

SEC. 3. That in all cases where persons may have died intestate in this State, previous to the passage of the act of 1843-4, chapter 211, leaving no other distributee, but leaving a widow, and in which suits may not have been brought for the recovery of so much of the personal estate of such intestate as by the law then in force, escheated to the State, or if such suits have been brought and have not yet been determined, then and in that case such widow shall, after the payment of all the just debts of such intestate, be entitled to the whole of such personal estate absolutely.

SEC. 4. That in all cases in which any of the attorney generals of this State may have brought suit for the recovery of any real or personal estate which may have escheated to the State, under the laws of this State, and which may be embraced in any of the foregoing sections of this act, the said attorney generals, respectively, are hereby authorised and required to dismiss such suits: *Provided*, That in all such cases those who, by the provisions of this act, take such estate, shall pay all the cost and expenses incident to the bringing and prosecuting of such suits. Attorney General
to dismiss.

SEC. 5. That so much of the laws of escheats now in force in this State, as come within the purview and meaning of this act, be and the same are hereby repealed.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed January 10, 1850.

CHAPTER LV.

An Act to incorporate the towns of Linden, in Perry County, and Dyersburg, in Dyer County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Linden, in the county of Perry, and the inhabitants within the limits of said town, are hereby constituted a body politic and corporate by the name and style of the Mayor and Aldermen of the town of Linden, and shall have perpetual succession; by their corporate name shall sue, and be sued, plead and be impleaded, purchase and hold property, personal, real and mixed, and dispose of the same for the benefit of said town, and may have and use a town seal. Corporation.

SEC. 2. That the corporate limits of said town of Linden shall embrace all the lands deeded by David R. Harris to the commissioners of Perry county, as a site for the county seat, and such boundaries as are therein described, shall be the corporate limits of said town. Corporate limits.

SEC. 3. That the sheriff of Perry county, by himself or deputy, shall hold an election at the Court House, in Linden, on the 1st Saturday in July next, (1850) and on Elections.

the same day in each and every year thereafter, for the purpose of electing five persons to serve as Aldermen for the corporation of said town of Linden, for one year, commencing on the Monday next succeeding the day of election; and all persons owning a freehold in said town, and all persons residing in said town, who would be qualified to vote for members of the General Assembly of this State, shall be entitled to vote for Aldermen, and no person shall be eligible as an Alderman unless he be a citizen of said town.

Board.

SEC. 4. That the five persons qualified as aforesaid, having the highest number of votes at any election held as aforesaid, shall be duly elected, and the sheriff of the said county of Perry, or his deputy, holding said election, shall give each of the five persons elected, a certificate of his election, and it shall be the duty of the Aldermen so elected, to meet at the court house on the Saturday next succeeding the day of their election, and any number not less than three, shall be a quorum, and they shall there proceed to elect by ballot one of their number to be Mayor for the time for which the Aldermen were elected as aforesaid; and when any Mayor of said corporation shall die, resign or remove out of said town, another election shall be made by the Aldermen in the manner aforesaid, of another person for the time then unexpired, and when any Alderman shall die, resign or remove out of said town, such vacancy may be filled by the Mayor and Aldermen of said town at any regular meeting, and the person or persons so appointed shall serve until the next election.

Vacancies.

Oath.

SEC. 5. That the Mayor and Aldermen shall, before entering on the duties of their offices, take an oath before some justice of the peace, for Perry county, faithfully and honestly to demean himself and themselves, as Mayor and Aldermen of said town, during their continuance in office.

Officers.

SEC. 6. That a Constable, Recorder and Treasurer for said corporation shall be elected by the Mayor and Aldermen of said town, and shall continue in office for one year, and the corporation may require of them such bond, with security, for the performance of the duties of their office, as may be deemed necessary and proper; and they shall, before entering upon the duties of their respective offices, take an oath before some justice of the peace, for Perry county, faithfully and honestly to demean themselves in their offices respectively.

Power of Board.

SEC. 7. That the corporation aforesaid, shall have full power and authority to enact such laws and ordinances, necessary and proper to preserve the health of

the town; to prevent and remove nuisances; to establish night watches and patrols; to ascertain, when necessary, the boundary and location of streets, lanes and alleys; to provide for licensing and regulating auctions; to restrain and prohibit gaming; to provide for licensing, taxing and regulating or restraining theatrical or other public amusements and shows within the town; to keep in repair the streets, and to pass all laws necessary for the same; to regulate tippling houses; to impose and appropriate fines, penalties and forfeitures for the breach of their by-laws and ordinances; to lay and collect taxes for the purpose of carrying all necessary measures in operation for the benefit and advancement of said town; and to pass all laws necessary and proper to carry the intent and meaning of this act into effect; *Provided*, They are not incompatible with the constitution and laws of this State.

SEC. 8. That all fines and penalties and forfeitures, imposed by the ordinances and by-laws of said corporation, shall be sued for and recovered as other monies are, under the existing laws of this State, by the Mayor and Aldermen of said corporation for the use of said town; and when any real estate in said town shall be levied upon for any corporation dues, the same proceeding shall be had thereon as is prescribed by law in other cases of process issued by justices of the peace. Fines and Forfeitures.

SEC. 9. That the Mayor and Constable of said corporation shall have the same fees as are allowed by law to justices of the peace, and other constables, for similar services; and it shall be the duty of the town constable to execute all warrants and other process issued by the Mayor, or justice of the peace, for breaches of the by-laws of the corporation. Fees.

SEC. 10. *Be it enacted*, That the Mayor of said corporation, in all cases, civil and criminal, arising under the laws of said corporation, shall have the same power and authority, and jurisdiction, that justices of the peace have in similar cases. Jurisdiction.

SEC. 11. That if the sheriff shall, for any cause, fail to hold an election for Aldermen of said town, at the time specified in this act, he may open and hold an election for Aldermen of said corporation at any other time, by giving ten days previous notice of the time and place of holding said election. Contingent Elections.

SEC. 12. That the inhabitants of the town of Dyersburg, in the county of Dyer, be and they are hereby made a body politic and corporate, by the name and style of the Mayor and Aldermen of Dyersburg, under the same rules, regulations and restrictions, and with Dyersburg incorporated.

all the powers, privileges and immunities, as are prescribed for the inhabitants of the town of Linden; said corporation shall have perpetual succession. The limits of said corporation shall be as follows. The Forked Deer River shall be the South line; and it shall run up said river so far that, by running north, the east boundary line will include the residence of Isaac Sampson; and the east boundary line shall run so far north as that the north boundary line will include the residence of Zachias B. Phillips; the north boundary line shall run so far west, as that the west boundary line will include the residence of James Fields; the west boundary line shall run south to the river. These limits shall be surveyed and plainly marked. The said corporation shall have power in choosing a town constable, to elect either of the constables, for the time being, of the fourth civil district of Dyer county, whether he may live in the limits of the corporation or not.

Decaturville incorporated. **in-** **SEC. 13. *Be it enacted,*** That the town of Decaturville, in the county of Decatur, be and is hereby incorporated, with all the powers and privileges, and subject to all liabilities and restrictions in all things as the town of Linden, in Perry county.

Boundaries. **SEC. 14. *Be it enacted,*** That the bounds of the corporation of the town of Decaturville shall be as follows, viz: Beginning at the south-west corner of a two hundred acre survey in the name of John McMillan, running south twenty poles: thence east one hundred and fifty poles; thence north one hundred and twenty poles; thence west two hundred poles; thence south one hundred poles; thence east to the beginning.

Boundaries of Raleigh. **SEC. 15.** That the boundaries of the corporate limits of the town of Raleigh, in Shelby county, are declared to be as follows: Beginning at the mouth of a small slough below where Sanderlin's steam mill is situated; running thence with said slough on the east bank north to a stake; thence east including the male academy lot to a stake; thence south including Stephens' and Reynolds' residences to a stake; thence in a direct line to the fall in Wolf river at the old ford; thence with the meanders of said river to the beginning.

Boundaries of Murfreesboro' extended. **SEC. 16. *Be it further enacted,*** That the corporate limits of the town of Murfreesboro', Rutherford county Tennessee, be and the same are hereby extended so as to run as follows, to wit: Beginning on the east side of the Lebanon and Murfreesboro' Turnpike, where Eagle street crosses the same, at the corner of Hardy M. Burton's lot; thence north one-half degrees east fifty-nine and a half poles, to the south-west corner of Wil-

from R. McFadden's lot; thence east one hundred and seventy-two poles to a stake in a road leading to Bradley's race track; thence south seventy-six poles to a line with Walnut street; thence east thirty poles and nineteen and a half links to a stake in Benjamin Smith's field; thence south seventy-seven poles to a stake in M. B. Murfree's field, east of water street; thence west one hundred and six and a half poles to the north-east corner of the grave yard at the Presbyterian church; also, beginning at the south-west corner of the old corporation; thence south seventy-six poles to a stake on the north bank of Lytle's Creek; east twenty-six poles to G. W. Shanklin's lot in said corporation.

LANDON C. HAYNES,

Speaker of the House of Representatives

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 10, 1850.

CHAPTER LVI.

An Act to charter a Railroad from Nashville to the Alabama line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That E. Ewing, A. V. S. Lindsley, A. O. P. Nicholson, N. S. Brown, A. V. Brown, Gardner, Francis B. Fogg, Andrew Ewing, Anthony Johnson, A. Hamilton, James A. McAlister, John Thompson, John Overton, E. E. McEwing, John Mucky, John Marshall, John H. Otey, Wm. H. Cranch, Wm. Park, F. Cater, Wm. Harrison, Sr., Wm. Flemming, John Bowden, Thomas B. Bond, A. N. Cartwright, S. McKerrick, John W. Cheers, Dr. T. Caldwell, Maj. John Brown, Samuel Frierson, George Gantt, R. A. L. Wilkes, Thomas Buford, Giles Reynolds, John H. Pointer be and they are hereby constituted a body corporate and politic by the name and style of Nashville and Alabama Railroad Company, for the purpose of constructing a Railroad from Nashville by way of Franklin, Columbia, and Pulaski to the Alabama line, at or near Elktor; and said company, when formed, shall, by their corporate name, have power to sue and be sued, plead and be impleaded in all the courts in the State or United States; have and enjoy all rights and privileges secured to the Nashville and Chattanooga Railroad Company, passed December 11, 1845, and subject to all the

restrictions and liabilities contained in said charter, and shall be built and constructed agreeably to the requirements of the aforesaid charter.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be forty thousand shares, of fifty dollars each, and books for subscription of stock in said Railroad, shall be opened on the first Monday of May next, 1850, and kept open for one month every day, Sundays excepted, from 10 o'clock in the morning to 4 in the evening, at the following places and by the following persons or a majority of them, to wit: At Nashville by Samuel D. Morgan, A. O. P. Nicholson, Dr. John Shelby, E. Ewing, E. H. Foster, James Morton, A. V. S. Lindsley, N. S. Brown, A. V. Brown, John Thompson, W. Williams, G. W. Martin, D. L. Jennings, E. Gardner, J. B. Snowden, and Col. Samuel Anderson; at Franklin, Thomas Park, John Marshall, William Maury, R. C. Foster, John McGregor, J. A. M. E. Stuart, John H. Otey and Wm. Johnson; at Springhill, Dr. John Haddox, A. M. Potter, John W. Cheers, Thomas B. Bond, S. McKisic and James L. Drake; at Columbia, John M. Francis, R. B. Mays, Granville Pillow, Pleasant J. Akin, Wm. Moore and Wm. P. Martin; at Mount Pleasant, F. H. Watkins, Harvey Hodge, S. P. Jordan, John Cox and J. M. Granberry; at Pulaski, Thomas Martin, James Patterson, James McCulloch, A. W. Ballentine, Ben. Carter, A. Wright, Thomas M. Jones and L. M. Bramlett; at Cornersville, Thomas Kennedy, Wm. Harris, Z. Baird and Dr. Edwards; at Lynnville, F. L. McDurin, R. M. Bugg, W. C. Dughtry, Albert Buford, R. H. Laird, George L. Malone, Martin Laird and Giles A. Reynolds; at Lewisburg, J. J. Jones, W. P. Davis, Wm. L. McClelland, R. P. Whiteside and James A. Yewell; at Lawrenceburg, Franklin Buchanan, William McKnight, jr., Brush M. Moore, sr., R. H. Allen, Thomas D. Deavenport, G. L. Samington, A. Busby, William Parkes, Wm. McKissic, William J. Buchanan and Daniel Bently.

SEC. 3. *Be it enacted*, That S. D. Morgan, A. O. P. Nicholson, A. V. S. Lindsley, Neill S. Brown, John W. Parker and John Thompson, of the county of Davidson; R. H. Bostick, T. F. Adkinson, Wm. Harrison, sr. and A. R. Cartwright, of the county of Williamson; A. Thompson, Maj. John Branum, Gideon J. Pillow, L. J. Polk and Samuel Frierson, of the county of Maury; Giles Reynolds and Thomas Buford, of the county of Giles, or a majority of them, be and they are hereby constituted a board of commissioners, to superintend and manage all the affairs of said Railroad company, until it shall be fully organised by the election of a board of directors as pre-

scribed by the charter of the Nashville and Chattanooga Railroad charter.

SEC. 4. *Be it enacted,* That the said commissioners or the president and directors for the said Nashville and Alabama Railroad Company, may at their discretion, make any change or alteration suggested by the improvement in the art of Railroad making; *Provided,* The same shall not operate prejudicial or injurious to the public or said Railroad Company; *Provided,* that it shall be no forfeiture of charter if said road is not completed further than Columbia from Nashville under the provisions of this act.

SEC. 5. *Be it enacted,* That said Railroad Company shall have power, if desired by the stockholders, to extend a branch of said Railroad to Memphis or to Tennessee river, at some suitable point, to meet the Mobile and Ohio Railroad.

SEC. 6. *Be it enacted,* That the formation of a company is hereby authorized for the purpose of constructing a Railroad from Winchester to the Alabama line, in the direction of Huntsville, Alabama, which company shall consist of the stockholders; and when formed, shall and they are hereby constituted a body corporate, by the name and style of the Winchester and Alabama Railroad Company, and said company, by their corporate name, shall have power to sue and be sued, plead and be impleaded, in all the courts of this State, or the United States, and shall have and enjoy all the rights and privileges secured to the Nashville and Chattanooga Railroad Company; by an act of the General Assembly, passed December 11, 1845, and subject to all the restrictions contained in said charter, which road shall be built and constructed agreeable to the requirements of the aforesaid charter.

Winchester and
Alabama Rail-
Road Company

SEC. 7. *Be it enacted,* That the capital stock of said company, shall be twenty-five thousand dollars, to be divided into shares of twenty-five dollars each; and books for subscription of stock in said Railroad shall be opened on the first Monday of July, 1850, and kept open for one month every day, Sundays excepted, from 10 o'clock A. M. until 4 o'clock P. M., at the following places and by the following persons, to wit: At Winchester, by James Harris, W. W. Brazeton, Maj. Wm. C. Venable, Benjamin Deckard and Dr. Wallace Estill; at Salem, by William C. Handy, John P. White, George Mosely, Charles P. Blanton, and Robert O. Smith.

SEC. 8. *Be it enacted,* That William E. Venable, Dr. William Estill, Joseph W. Carter, Peter S. Deckard, Alfred Henderson, Thomas Finch, Hugh Francis, George W. White, Thomas H. Garner, George W. Hunt, David

Arnett, S. S. Mathews, Thomas F. Mosely, Clinton A. Hunt and John Handley or a majority of them, be and they are hereby constituted a board of commissioners, to superintend and manage all the affairs of said company, until it shall be fully organized, by the election of a board of directors, as prescribed by the charter of the Nashville and Chattanooga Railroad Company.

LANDON C. HAYNES.

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER LVII.

An Act to incorporate Farmers' Academy, in Wilson county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there be established in the valley of Three Forks, in the county of Wilson, an institution of learning, having a corporate existence under the name and style of the Farmers' Academy.

Incorporation.

SEC. 2. That said institution shall be governed by nine trustees, who, as well as their successors, shall constitute a body politic and corporate, a majority of whom shall form a quorum for the transaction of business: the first board shall consist of H. Ragland, J. A. Clark, Doke Young, W. T. Cartwright, N. G. Alexander, Henry Bass, James Young, W. T. Waters and Ashley Neal; all vacancies that may occur in their body shall be filled by the board and entered upon the minutes: they may elect from their own body a president, secretary and treasurer.

SEC. 3. That the trustees be and they are hereby authorized to open books for the subscription of stock in shares of five dollars, to build said institution, and to raise a library fund.

Powers.

SEC. 4. That said board shall have power to employ all necessary teachers and lecturers, fix the rate of tuition, prescribe the course of study, make all necessary rules and regulations; hold real and personal estate, by purchase or otherwise, and sell or exchange the same as the interest of the institution may require; to sue and be sued; to have a common seal; and if they think pro-

per, to confer, in conjunction with the teachers, such literary degrees and diplomas as are usual in academies; and to have and enjoy all other powers and privileges that are common to corporations of this kind, inclusive of the power to make all necessary by-laws relative to said academy, not inconsistent with the constitution and laws of this State or of the United States.

SEC. 5. That the first election for trustees shall be held on the first Saturday in November, in the year eighteen hundred and fifty, and annually thereafter on such day as the stockholders may determine, each share being entitled to one vote in said election. Elections.

SEC. 6. That the stock in said, institution shall be exempt from taxation, and that it may be transferable on the books of the trustees; *Provided*, That no one person shall be entitled to own more than one-sixth of the entire interest.

SEC. 7. That in the conveyance of real and personal estate, the name of the President of the board, attested by the Secretary, by order of said board, shall be sufficient.

SEC. 8. That inasmuch as the valley of Three Forks Division No. 275, of the Sons of Temperance, agree to assist in the erection of said institution, said Division shall have the right to occupy said building as a Division Hall, at least once a week, so as not to conflict with the interest of said institution. Sons of Temperance.

SEC. 9. *Be it enacted*, That the second section of an Act passed December 20, 1847, entitled an Act to amend an Act passed the 19th January, 1846, incorporating the Grand Lodge of the Independent Order of Odd Fellows of the State of Tennessee, and for other purposes, be so amended as to permit Hawkins Lodge No. 41 Independent Order of Odd Fellows, to hold the amount of twenty-five thousand dollars in real and personal property. Odd Fellows.

SEC. 10. That the charter of Cumberland University, at Lebanon, passed 30th December, 1843, is hereby so amended as that appointments by the board of trustees, to fill vacancies in their own body, shall be submitted to the General Assembly, or the Synod in which said institution is situated, of the Cumberland Presbyterian Church, at their next session, after such appointment for confirmation or rejection; but any trustee so appointed by the board, shall continue in office until such rejection, and the appointment of another in his place by the judicatory, to which application is made, and notice to the board; *Provided*, That appointments by the board shall be void, unless application is made to said General Cumberland University.

Assembly or Synod, at their next meeting after the same is made as aforesaid.

SEC. 11. That the clauses in said charter limiting the endowment fund, and value of real estate of said institution, be repealed.

Abbe Institute. SEC. 12. That the property, real and personal, set apart by the trustees of Campbell Academy, in Wilson county, to the female branch of said institution, at the time of its separation by charter, under the name and style of the Abbe Institute, vest in and be under the exclusive control of the trustees of the latter, for the uses and purposes of female education.

SEC. 13. That the trustees of Campbell Academy shall have power to appropriate one-half of any fund which may accrue to them from the State, or any other source, to the use and benefit of the Abbe Institute, under the direction of the trustees of the latter.

Sommerville Female Institute. SEC. 14. That whereas Calvin Jones, Duke Williams, H. S. Dickason, Edwin Dickinson, John C. Cooper, William A. Williamson, Josiah Higgason, H. D. Wilson, Henderson Owen, L. C. Hardwick, Joseph B. Littlejohn, and others of the county of Fayette, State of Tennessee, as it is represented to this General Assembly, have formed an association for the purpose of permanently establishing a Female Academy in the town of Sommerville in this State; that they, and as many others who shall subscribe for stock in said Academy, are hereby incorporated under the style of the President and Trustees of the Sommerville Female Institute, and may, by that name, sue and be sued, own and hold, any and all kinds of property, use or dispose of the same for the benefit of said Institute, receive endowments or bequests, and possess all the rights of an incorporated body.

Sections. SEC. 15. That the stockholders in said Institute shall hold an election for nine trustees biennially. The first election shall be held on the first Monday in July, 1850, and the trustees then elected shall elect one of their number president, and shall hold their offices for two years, and until others shall be elected and qualified in their stead, and it shall not be lawful for more than two persons, of the same christian denomination, to belong to any board of president and trustees.

SEC. 16. In elections for trustees, each person owning as much as five dollars stock in said Institute shall be entitled to one vote, and one vote for every twenty dollars he or she may own over and above five dollars.

SEC. 17. That whereas John A. Cooper, Calvin Jones, John C. Humphreys, Josiah Higgason, Edwin Dickinson, H. Owen, and Duke Williams have been chosen a committee by said association, to attend to all things necessary to be done towards procuring grounds, buildings, &c., for said Institute, they are hereby appointed and empowered to hold the first election for trustees as aforesaid.

SEC. 18. If at any time the stockholders shall fail to elect trustees at the time prescribed in section two of this act, then the president or any three of the stockholders may, on advertising twenty days, in some public manner, hold such election, and each president and trustee shall be qualified by oath, before some justice of the peace, faithfully to discharge their duties as president and trustees of said Institute.

SEC. 19. The stock in this corporation shall be transferred, and all transfers shall be made in a book to be kept by the trustees for that purpose.

SEC. 20. This corporation may exist for ninety-nine years, unless upon a vote of the stockholders they should think fit to dissolve it, in which case a majority of two-thirds of all the votes shall be necessary to effect that end, and in case of such dissolution each stockholder shall be entitled to a *pro rata* dividend of whatever property shall be owned by said corporation, according to his or her stock in the same.

SEC. 21. The capital stock of this corporation may amount to one hundred thousand dollars, and the president and trustees shall keep a record of all their proceedings, and five members of the board may constitute a quorum to transact business.

SEC. 22. The president and trustees aforesaid shall have power to pass any by-laws for their government in their proceeding not inconsistent with the provisions of this act, and shall fill all vacancies that may occur in their body; elect a secretary and treasurer; employ all necessary teachers and lecturers; fix the rate of tuition; prescribe the course of studies; make all necessary rules and regulations; confer, if they think fit, with the teachers, such literary degrees and diplomas, as are usual in female academies, and make any other regulation not inconsistent with the laws of this State and the United States.

SEC. 23. That in conveyance of real estate or personal property, transfer of claims, or other assets, the name of the president of the board of trustees,

shall be sufficient, by order of said board, in each case.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 16, 1850.

CHAPTER LVIII.

An Act for the benefit of the widow and orphan.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all and every case where any person shall come to his death, by injuries received from another, whether the same were inflicted feloniously or not, for which injuries, in case death had not resulted, an action of damages would lie at law, the personal representative of the person thus killed shall have the right to institute an action for damages in either of the Circuit Courts of this State, and the damages recovered, if any shall belong to the widow and children of such deceased person to be equally divided between them, free from the claims of the creditors of the deceased.

SEC. 2. *Be it further enacted,* That the widow and children of the deceased may use the name of the personal representative, in bringing and prosecuting such suit on giving bond and security for costs or in *forma pauperis* even without his consent; *Provided, however,* That the personal representative shall not be responsible for costs, unless his name be signed to the bond for the prosecution of the suit.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 1, 1850.

CHAPTER LIX.

An Act to Incorporate the Nashville Mechanics' Institute in the city of Nashville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the subscribers for stock in the Nashville Mechanics' Institute, their successors and assigns, be and they are hereby created a body politic and corporate by the name and style of the Nashville Mechanics' Institute, and shall be capable in that name to receive and hold any property, real or personal, or mixed, which may be given, granted, sold, conveyed or devised to them for the use and benefit of the aforesaid institute; and to use and dispose of the same as they may think best for the benefit thereof, and by the name aforesaid, shall be able to sue and be sued, to plead and be impleaded in any court of law or equity. Corporation.

SEC. 2. The stock of the Nashville Mechanics' institute shall be divided into shares of fifty dollars each. Capital Stock.

SEC. 3. *Be it enacted,* That Alfred Hume, Benj. Weller, W. Horne, Jas. McCombs, Alx. Alison, Geo. W. Martin, A. Anderson, M. Monohan, S. V. D. Stout and Jno. Nichol and their successors, are hereby appointed a board of commissioners and managers of said institute, and as such may open books for subscription for stock in said institution, and they are further empowered to hold meetings at such times and places as they may see proper; to make by-laws and regulations for their government, and do all other acts usual for like managers to do, and consistent with their duties as such, until a new board be appointed in the manner hereinafter prescribed: *Provided,* That the board of commissioners and managers, heretofore by name mentioned, shall, during their continuance as such, be able to supply vacancies occurring in their body, it being required, however, that they shall make the selection from the number of stockholders; and *provided further,* That a majority of the board herein by name mentioned, shall be able to act as if the whole were present. Commissioners.

SEC. 4. So soon as shares shall be taken to the amount of two thousand dollars, the stockholders or any one of them may, by giving twenty days' notice in some newspaper published at Nashville, call a meeting of the stockholders, and they, the stockholders, when assembled, shall elect a board of directors, to consist of such number as they may think proper, prescribing the time for which said board of directors shall

Elections. be elected, and the time at which they may assume power to act as such; each stockholder in this and other elections being allowed one vote for every share of stock which he or she may possess in said institute.

Directors. SEC. 5. The board of directors elected by the stockholders or a majority of said directors shall be empowered to elect a president from their number, a treasurer and secretary from their body, also, and define their duties, to make by-laws and regulations for their government as directors, and do all other acts usual for like directors to do; and they shall further be empowered by the vote of two-thirds of their number to purchase a site for buildings and contract for the erection of a suitable edifice thereon: *Provided*, That if two-thirds of the directors cannot agree upon the purchase and erection aforementioned; then the president of the board of directors shall, by twenty days' notice in some newspaper printed at Nashville, call a meeting of the stockholders, and they, the stockholders, shall select from themselves a committee to consist of such number as to them may seem fit, and authorize the same to purchase a site and contract for the erection of a suitable building thereon.

Calls and forfeiture. SEC. 6. The shares, subscribed for, shall be made payable in such instalments as the company may from time to time agree upon, and if any stockholder shall fail or neglect to pay the instalments on any one of them as ordered by the company, the president of the board of directors shall give him notice to pay the same within thirty days, which, if he fail or refuses to do, he shall forfeit his entire stock, and all that has been paid upon it to the company, and the forfeited stock shall be disposed of to the best advantage for the institute: *Provided*, That the company itself or by its agent may remit said forfeiture, and sue the defaulting stockholder, by action of debt, before any tribunal having jurisdiction of the same, and cause the same to be made out of his or her property; if, after judgment is obtained, however, it is not eventually paid, the above forfeiture shall attach.

Capital Stock may be increased. SEC. 7. *Be it enacted*, That the capital stock of the Nashville Mechanics' Institute may amount to twenty thousand dollars, and be increased to thirty thousand dollars if desired by the stockholders.

Waynesboro' incorporated. SEC. 8. *Be it further enacted*, That the town of Waynesborough and the inhabitants thereof, be and they are hereby constituted a body corporate by the name and style of the Mayor and Aldermen of the town of Waynesborough, and by the name and style

aforesaid shall have perpetual succession and may have and use a common seal, and may, by the name and style aforesaid, sue and be sued, plead and be impleaded, may have, receive, purchase and hold property, whether real or personal, and may grant, sell and dispose of the same for the use and benefit of said town.

SEC. 9. *Be it enacted*, That the corporation aforesaid, shall have full power and authority to enact such by-laws and ordinances as may be necessary and proper to preserve the health, quiet, and good order of said town, to prevent and remove nuisances, to establish night watches and patrols, to punish breaches of good order committed within the said town, to ascertain and declare, when necessary, the boundaries of said town, to open and extend the streets and alleys by the consent of the owners of the property through which they may be opened or extended, to provide for licensing and taxing auctions, to restrain and prohibit gaming, to prohibit the exhibition of stallions and jacks within the limits of said corporation, to provide for the licensing, taxing and regulating theatrical and other shows and exhibitions, to pass by-laws and ordinances proper for paving the streets, alleys and sidewalks, to improve and collect fines and forfeitures for breaches of the by-laws and ordinances of said corporation, to levy and collect tax upon all polls, property and privileges within said corporation, which are taxable by the laws of this State, or which may hereafter be made taxable by law, to tax ball alleys, nine and ten pin alleys, and to pass all by-laws and ordinances necessary and proper to enforce the powers granted to said corporation, not inconsistent with the constitution and laws of the United States or of the State of Tennessee.

General powers.

SEC. 10. *Be it enacted*, That all fines and forfeitures, imposed by the by-laws and ordinances of said corporation not exceeding fifty dollars, shall be recoverable by action of debt before the mayor of said town or any justice of the peace of Wayne county, and for sums exceeding said amount before the circuit court of said county.

Fines and Forfeitures.

SEC. 11. *Be it enacted*, That on the first Saturday in January, in each and every year, the sheriff of Wayne county, by himself or deputy, shall open and hold an election at the court house in said town, after giving ten days' notice, for seven aldermen and a town constable, who shall hold their offices for twelve months and until their successors shall be elected and qualified, and all persons living within the bounds of said cor-

Elections.

poration who shall have been residents thereof for six months next preceding said election and who are otherwise entitled to vote for members of the General Assembly, shall be entitled to vote in said election, and no person shall be eligible to the office of alderman unless he shall be at the time a householder within the corporation aforesaid; said election shall be judged by three householders to be appointed by the sheriff or his deputy aforesaid, and qualified by him, the polls to be opened at twelve o'clock, M., and closed at three P. M., immediately after which the sheriff shall deliver to each person so elected a certificate of his election.

Sec. 12. *Be it enacted*, That it shall be the duty of the aldermen and constable so elected as aforesaid, on the Tuesday next succeeding their election, to meet in the court house in said town and upon the presentation of their certificates of election to the clerk of the county court of Wayne county, he shall administer to each of said aldermen an oath of office to the effect that they shall faithfully demean themselves as such, during their continuance in office, and thereupon the said board shall organize themselves, a majority of whom shall constitute a quorum to transact business, and proceed to elect one of their body to preside as mayor for the current year, and until his successor shall be elected and qualified, and also to elect a recorder and treasurer, the latter of whom and the town constable shall enter into bond and security to be approved by the mayor in the sum of two thousand dollars, payable to the mayor and aldermen of said town, conditioned for the faithful collection and to pay over as required by said board, all taxes, fines, forfeitures, &c., which may be due to said corporation; and the said recorder and treasurer shall respectively hold their offices for one year and until their successors shall be appointed.

Recorder, Treasurer and Town Constable.

Vacancies.

Sec. 13. *Be it enacted*, That all vacancies for aldermen and other officers in said corporation, shall be filled for the residue of the time by the board of aldermen in office, and the persons so appointed by them shall have the same powers and possess the same qualifications for office as required in the 11th section of this act.

Constable's duties.

Sec. 14. *Be it enacted*, That it shall be the duty of the constable faithfully to execute all process to him directed as such, and collect and pay over, on the first Mondays in January and July in each year, all taxes, fines and forfeitures due and owing to said corporation, and on failure shall be held, on motion, before the

circuit court of Wayne county, and shall, further, be liable to removal from office for the delinquency, at the pleasure of the mayor and aldermen.

SEC. 15. *Be it enacted*, That it shall be the duty of ^{Jailer.} the sheriff of Wayne county to receive and keep in the jail of Wayne county, any person who may be committed to his charge for a breach of the by-laws and ordinances of said corporation, and all disorderly and riotous persons committed to his charge in the night time by the town constable, for which he shall receive the same fees as in other cases of imprisonment.

SEC. 16. *Be it enacted*, That the bounds of said town ^{Boundaries.} shall be as follows, to wit: Beginning at the north-west corner of the original forty acre tract of land, laid off for said town: running thence west forty-five poles; thence south one hundred and twenty poles; thence east to Green river; thence down Green river with its meanders, to the east boundary line of the original town tract aforesaid; thence with said original east boundary line to the north-east corner; thence west to the beginning.

SEC. 17. *Be it enacted*, That all the by-laws and ordinances of the old corporation of said town now in force, and not contrary to the provisions of this act, shall continue in force until repealed by the mayor and aldermen of said town, and this act shall take effect from and after its passage.

SEC. 18. *Be it enacted*, That all laws and parts of laws heretofore enacted on the subject of said corpora- <sup>Former Laws re-
pealed.</sup> tion be, and the same are hereby repealed.

SEC. 19. *Be it enacted*, That on failure of the sheriff ^{Elections.} to advertise and hold the election for aldermen and constable at the proper time, it shall be lawful to hold the same at any time thereafter upon giving the notice as required in this act.

SEC. 20. *Be it enacted*, That said corporation shall <sup>Extent of liabili-
ties.</sup> not have power to contract a debt for a larger amount than five hundred dollars, nor shall the sum outstanding against said corporation at any time exceed the sum of five hundred dollars.

SEC. 21. *Be it enacted*, That when any tax or duty <sup>Collection of
taxes.</sup> shall be levied or imposed by said corporation upon any real estate lying within the said town, and the owner or owners thereof shall not pay the same within the year for which the same was levied or imposed, it shall be the duty of the recorder, upon the fact being reported to him by the town constable, that the owner or owners have no personal property upon which he can distrain, to report the said real estate to the Circuit

Court of Wayne county, at the first term of the year, next succeeding, or any subsequent term of that year; and it shall be the duty of said court to enter up judgment against the said real estate for the taxes or duties remaining due and unpaid thereon, and the same shall be sold by the sheriff at the same time and place, and in the same manner and under the same conditions, as if the taxes had been due the State and county; and which shall vest the title in the purchaser as in other tax sales, and the sheriff shall pay over to the treasurer of said corporation the taxes so by him received, and on failure shall be liable on motion as in other cases, with twelve and a half per cent interest thereon.

SEC. 22. *Be it enacted,* That the mayor, town constable, treasurer, and recorder shall have such fees for their services as may be allowed them by the mayor and aldermen of said corporation.

SEC. 23. *Be it enacted,* That the by-laws and ordinances of said corporation hereafter passed, imposing any fine or forfeiture, shall not take effect until they have been published by being posted on the door of the court-house in Waynesborough for ten days.

SEC. 24. *Be it enacted,* That the name of the Speedwell Academy, in the town of Tazewell, in Claiborne county, be and the same is hereby changed to the name of the Tazewell Male Academy.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 30, 1850.

CHAPTER LX.

An Act to simplify the administration of the law in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all suits which may hereafter be brought in any Circuit Court, or before any justice of the peace in this State, upon any bill single, bond or other instrument under seal, the defendant or defendants may plead and give in evidence all matters in defence in such suit which, by the existing laws and rules of evidence, he, she, or they might plead or give in evidence, in a suit upon any similar instrument not under

seal. And such court or justice of the peace shall take cognizance of such plea or matters offered in defence, in as full and ample a manner, as if such instrument were not under seal.

Sec. 2. That from and after the passage of this act, any defendant or defendants may file a plea in abatement to any suit instituted against him or them in any of the courts of law in this State, when the plaintiff or plaintiffs reside in the same county with said defendant or defendants, when said suit may be instituted in any other county, except their place of residence; *Provided*, This act shall not apply so as to effect any rights or remedies in force against absconding debtors, under the attachment laws in force in this State.

Plea in abatement may be filed.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 28, 1850.

CHAPTER LXI.

An Act to establish the County of Union.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new County be and the same is hereby established, to be composed of fractions taken from the counties of Grainger, Claiborne, Campbell, Anderson and Knox, and to be known and designated by the name of Union county.

Sec. 2. That the county of Union, shall be bounded Boundaries: as follows, to wit: Beginning at a sweet gum, in the Knox county line, at the end of Clinch mountain, and four chains south of the Nance's ferry road; thence running north thirty-eight, east one mile, and thirty-four poles, to the top of a chain of Clinch mountain; thence north, twenty-five east, one mile and forty-two poles, to the top of a spur, of said mountain; thence north six west, three quarters of a mile, crossing the main range of Clinch mountain; thence north forth-five east, along the side of the mountain one mile, to a white oak on the top of a spur, leading down the mountain opposite Wm. Donehue's; thence north, crossing Flat creek two miles and twenty poles, to a beech on the bank of Dyer's branch; thence north ten west, two hundred and twenty

poles, to the top of the Copper ridge; thence north one mile and three quarters, to the top of the Log mountains; thence north twenty-five; east one hundred and ninety-two poles to a sugar tree near John Ballard's; thence north eighty, east one hundred poles to a stake, near John Wolfenbarger's house; thence north eighteen, east five miles and eight poles to Clinch river, three quarters of a mile above Capp's ford; thence down the south bank of said river, as it meanders, five miles and a quarter, to a large double sycamore, below Dodson's island; thence north twenty-five, west, crossing Clinch river, one hundred and eighty-two poles, to a white oak, four poles north of the Big Valley road; thence north thirty-five, west five miles, to Powell's river, at a Spanish oak, forty poles below the mouth of Camp creek; thence down the south bank of Powell's river, as it meanders, twenty-nine miles and a quarter, to a walnut, at Thomas's ford; thence south ten east, four miles and a quarter, to Clinch river, eight poles above a large spring; thence crossing said river the same course, twenty poles, to a beech on the south bank of said river; thence down said river, as it meanders, two miles, to the line of Henderson & Co's survey, about two miles above the mouth of Powell's river; thence with the line of Henderson & Co., south forty-five, east a half mile, to a white oak in said line; thence south, thirty-eight east, four miles and one hundred and ten poles, to Byram's fork, on Hynes's creek, four poles above a large white oak; thence south fifty west, one hundred and forty poles, to a stake, in Charles Mitchell's field; thence south twenty-eight east, two miles and one half, to the Knox county line, on top of the Chesnut or Hynd's ridge; thence along the top of said ridge, with the Knox county line, two hundred and thirty poles, to a road crossing from Martin Gentry's to Knoxville; thence south thirty-five east, two miles, crossing Raccoon Valley road and Bull-run creek, to a stake, near Marvil Hill's house; thence south seventy-five east, four miles and twenty poles, to a white oak, east of Gorden Mynatt's; thence north seventy-eight east, two miles and fourteen poles, to an ash, in J. Gibbs's field; thence south eighty-one east, four miles and three hundred and ten poles, to the top of House mountain; thence with the extreme height of said mountain, to the east end of the same; thence north fifteen east, four miles and twenty poles, to the Knox county line at Nelson Mynatt's; thence with said line to the beginning.

SEC. 3. That for the purpose of organizing the county Commissioners. of Union, William T. Carden, John F. Huddleston, Ezra Buckner and Wm. Colvin, of the county of Grainger;

Malcijah Nash, J. G. Palmer and John Sharpe, of Claiborne county; Isaac C. Dyer, Meril Hill and Hazell Hill, of Campbell county; James W. Turner, Allen McCoy and A. L. Carden, of the county of Anderson; and Henry Graves and Henry G. Roberts, of the county of Knox, shall be and they are hereby appointed commissioners, who shall take an oath before some justice of the peace, faithfully and impartially to discharge the duties enjoined on them in this act, and in all cases of vacancy that may occur among said commissioners, previous to the organization of the county courts of Union county, the same shall be filled by the other commissioners; and all vacancies occurring after said organization, shall be filled by the county courts of Union county; the said commissioners, shall enter into bond and security, to be approved of by the county court of Union county, and payable to the chairman thereof, in the sum of five thousand dollars, conditioned for the faithful discharge of their several duties; a majority of said commissioners, shall constitute a board, competent to do all things herein enjoined on them; they shall keep a regular record of all their proceedings, as commissioners, which shall be returned to the county court of Union county, at its first session, and the same shall be recorded by the clerk thereof, on the records of said court, and they shall make such other returns after the organization of said court, as shall be directed thereby.

SEC. 4. That it shall be the duty of said commissioners, Election. first giving thirty days notice in two public places, or more, of the time and place to open and hold an election at one place, in each of the fractions proposed to be stricken off from the counties of Grainger, Campbell, Anderson, Knox and Claiborne, for the purpose of ascertaining whether a majority of the voters residing in those fractions, are in favor of, or opposed to the establishment of the county of Union, and all persons qualified to vote for members of the General Assembly, who have resided in the fractions proposed to be so stricken off, six months, immediately preceding the election, shall be entitled to vote, and each voter, who desires to vote for the establishment of the new county, shall have on his ticket, the words, "new county," and those voting against the new county, shall have on their tickets, the words, "old county," and if, upon counting all the ballots, the judges of the several elections, shall return that a majority of each of the fractions, respectively, have voted for the new county, then the county of Union, shall be and the same is hereby declared to be a county, with all the powers,

privileges and advantages, and subject to all the liabilities and duties with other counties in the State.

SEC. 5. That if from any cause, elections should not be held in all or each of the fractions, as before directed, the said commissioners shall proceed, as soon as practicable, to hold said election, so omitted, to be held in the same manner and under the same regulations, as specified in the foregoing section, and in like manner, if the said commissioners shall believe upon investigation, which they are hereby authorized to institute, into the manner of holding the several elections that any improper or fraudulent practices have been permitted, they shall have power, to declare the election, so held in any fraction, to be void, and proceed to hold another election in said fraction, first giving thirty days' notice, as heretofore provided.

Courts where held

SEC. 6. That for the due administration of justice, the different courts, to be holden in the said county of Union, shall be held at John F. Huddleston's, on the waters of Bull run, until the seat of justice shall be located; the county court shall, in the intermediate time, have full power to adjourn the courts to such other place in said county, as they may deem better suited for the holding of the same, and for public convenience; and, to adjourn to the seat of justice, when, in their judgment, the necessary arrangements are made, and all writs and other precepts, issuing from any of said courts, returnable to either place, shall and may be returned to the place to which said court may have been removed, by the county court aforesaid, and the courts for the county of Union, shall be under the same rules, regulations and restrictions, and shall have, hold and exercise, and possess the same powers and jurisdiction, as prescribed for holding courts in other counties; said courts shall be attached to the twelfth judicial circuit; and the circuit court shall be held by the judge of said circuit, on the first Monday in February, June and October, in each and every year, and the citizens of said county, may file bills in chancery, at either of the chancery courts, held at Rutledge, Tazewell or Knoxville, at their election.

Election of officers

SEC. 7. That all officers, civil and military, in said county, shall continue to hold their offices, and exercise all the powers and functions thereof, until others are elected according to law, and the said courts of Union, shall elect her officers on the same day and under the same rules, regulations and restrictions, as provided by law, for the elections of officers in the other counties in this State; *Provided*, That nothing in this act contained, shall deprive the above named counties from having and exercising jurisdiction over the territory composing the

county of Union and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers takes place according to law; *Provided also*, Nothing herein shall prevent the above named counties, from entering up judgments, or the sheriffs of said counties from selling under such judgments any lands, within the bounds of the county of Union, for taxes, costs and charges, until the county of Union is organized.

SEC. 8. That the commissioners appointed by this act, shall appoint such person as they may deem of suitable qualifications to open and hold the election for county officers for the said county of Union, and such person, so appointed, shall be and he is hereby invested with full power and authority, to appoint deputies, clerks and judges, and by himself and deputies, to administer all the necessary oaths, and to do and perform all other duties, as by law are required of sheriffs or other officers holding similar elections. Officers to hold elections.

SEC. 9. That citizens of Union county, in all elections for Governor, Representatives in Congress, members of the General Assembly and electors of President and Vice President, shall vote with the counties from which they have been respectively stricken off, until the next apportionment, agreeable to the provisions of the fifth section of the tenth article of the constitution. Fractions to vote with old counties.

SEC. 10. That it shall be the duty of the commissioners aforesaid, as soon as practicable, after the county of Union shall have been established, to select and procure, by purchase or otherwise, a suitable site for the seat of justice, in said county, having due regard to the convenience and wishes of a majority of the citizens of said county, and the said commissioners, having first caused a deed to be made to themselves and successors, with general warranty, to be a sufficient quantity of land, including the site so selected, shall cause a town to be laid off thereon, with as many streets, of such width, as they may deem necessary, reserving a sufficient quantity of land for a public square; said commissioners shall designate and reserve from sale, one lot in said town, for the purpose of erecting a public jail, for said county; said town, as soon as laid off, shall be known by such name as said commissioners may give it; *Provided*, The commissioners shall open and hold an election at two or more places in said county, first giving twenty days' notice of the time and place, for the purpose of fixing upon an eligible site for the seat of justice in said county of Union, and should such election be held, all qualified voters for members to the General Assembly, shall be entitled to vote, in select- Selection of seat of justice.

ing said site; should there be two or more places put in nomination and voted for, the place receiving a majority of all the votes taken in, shall thereupon be declared by said commissioners, the seat of justice of Union county; *Provided*, Said commissioners shall have the right to hold elections from time to time, until one place receives a majority of all those voting.

Sale of Lots. SEC. 11. That the commissioners of said county, shall sell the lots in said town, on a credit of at least twelve months, first giving due notice thereof, in some one or more newspapers, and shall take bond with sufficient security from the purchasers of said lots, payable to themselves and their successors, in office, and shall make title in fee simple as commissioners to the respective purchasers of said lots.

SEC. 12. That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners, for defraying the expense incurred in the purchase of said tract of land, on which the said seat shall be located, and also for defraying the expense of erecting the public building for said county of Union.

SEC. 13. That the commissioners, shall superintend the erection of such public building, as the county court of said county shall order and direct to be built, and shall let the same out, shall take bonds from undertakers, with ample penalties and sufficient securities, payable to themselves and their successors, conditioned for the faithful performance of his or their contracts; that the balance of any of the proceeds, arising from the sales of the lots, herein authorized to be laid off and sold, remaining in the hands of the commissioners, after defraying the expense of purchasing the town site, for the county seat, and the cost of the public building, ordered to be built, by the county court, shall be paid over, by said commissioners, to the trustee of said county of Union, to be held, applied and accounted for, by him, as other county funds.

Civil Districts. SEC. 14. That said commissioners shall also appoint five suitable persons, as commissioners, whose duty it shall be, to divide and lay off said county of Union, into civil districts, designate the places of holding elections therein, and do and perform all the duties relative thereto, which, by the laws of the State, such commissioners are authorized or required to do.

Military organization. SEC. 15. That the county of Union, shall form one regiment, and shall be known and designated as the 162d regiment, and shall be attached to the 4th brigade, the militia officer or officers, highest in command, included in said county of Union, shall, at such time and place, as he

or they may determine upon, call all the commissioned officers together, and such of them as shall attend, are hereby authorized and empowered to lay off said county, into battalions and companies, and provide for holding said elections, for the purpose of electing all officers in said regiment, in the manner prescribed by law.

SEC. 16. That should the boundary line of Union county, as designated in the second section of this act, approach nearer to the county seat of either of the old counties, from which the territory constituting the county of Union is taken, than is prescribed by the constitution, it shall be the duty of the commissioners, herein appointed, to appoint some surveyor, who shall re-run and mark such line or lines, so as not to violate the constitutional rights of said old county, and said surveyor, shall make a report, to the county court of Union, which report shall be recorded by the clerk of said court, and such line, so run, shall be the established line of said county.

SEC. 17. That the commissioners of Union county, be and they are hereby authorized to exercise all the powers conferred in this act, and such other powers, as may be necessary and proper, to the complete organization of the said county of Union.

SEC. 18. That before the said county shall be established, said commissioners shall be satisfied from the survey already made, or from actual survey to be made, that said county contains not less than three hundred and fifty square miles, and a population of four hundred and fifty qualified voters, and that said counties of Grainger, Claiborne, Campbell, Anderson and Knox, will not be reduced below their constitutional limits; *Provided*, The survey provided for by this section, may be dispensed with if there is no opposition to the organization of the county, on an alleged reduction of the county or counties below their constitutional limits, from which the county of Union is stricken.

SEC. 19. That if the new county of Union, shall fail to organize against the first Saturday in March next, and consequently, fail to elect necessary county officers, as prescribed in the seventh section of this act, they shall proceed to elect their county officers on the second Saturday in July next thereafter, under the same rules and regulations as are now prescribed by law, and such officers, so elected, shall hold their offices until the regular time of electing officers in this State, and no longer.

SEC. 20. That the commissioners, herein appointed, in Church purposes: laying off the town, shall reserve as many lots as they may deem necessary, to be given to the different religious denominations, on which to erect houses of public wor-

ship, and said commissioners shall also reserve two lots, upon which to build a male and female academy, of such size as they may think suitable for said purposes.

SEC. 21. That the said commissioners shall keep a fair and regular statement of all the moneys by them received and expended, which statement, when required, shall, from time to time, be laid before the county court, and when all the public buildings are completed, the said commissioners shall, by order of the county court, pay over all surplus money, if there be any, to the county trustee for county purposes, and they shall be allowed, by the county court, a reasonable compensation for their services.

SEC. 22. That the line of Union county, shall not approach the county seat of any old county, nearer than twelve miles, any thing in this act to the contrary notwithstanding.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 3, 1850.

CHAPTER LXII.

An Act to incorporate the North Carolina and Virginia Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. Hampton, sr., J. J. Wilson, N. Smith, L. W. Hampton, Thos. J. Powell, Gen. James S. Carter, C. W. Nelson, J. Cameron, J. Alexander, and Gen. Joseph Powell, of the county of Carter, and J. J. James, Sam'l Rhea, John S. Gains, George S. McClelland, Joseph Spurgin, James Cross, Mich'l Massingal, Jno. B. Hampton, Jno. Shaver, and Rob't Patton, of the county of Sullivan, be and are hereby appointed Commissioners to open books for the subscription of stock for the purpose of constructing a Turnpike road from the North Carolina line near the Cranberry Iron Works, through Elizabethton, Carter county, and through Sullivan county to the Virginia line, near the Moccasin Gap, Scott county, Virginia, to be known by the corporate name of the North Carolina and Virginia Turnpike Company.

SEC. 2. That whenever the sum of five thousand dollars is subscribed in shares of thirty dollars each, and after giving twenty days notice at three or more public places in each county, a meeting of the stockholders may be had, for the purpose of electing seven directors for said road, one of whom shall be President, and said President and Directors shall have power to appoint such other officers as may be necessary to conduct the business of said company; *Provided, however,* That no office shall be filled by any person unless he be a stockholder. The said President and Directors shall hold their offices for twelve months, or until their successors are elected, and have power to fill any vacancy that may occur by death, resignation or removal.

Election of Board

SEC. 3. That the President and Directors shall have power to appoint six commissioners, three of whom shall reside in each county, to view and lay out the nearest and most practicable route for said road. Two of the number residing in each county, may be competent to act in their respective counties, with such compensation as may be agreed on by the company, or if the company should think best, they may employ a competent engineer to view and lay out the entire route.

Commissioners to select route.

SEC. 4. That persons taking stock in said road may have the privilege of paying their subscription in work; *Provided,* They shall become contractors to build any portion thereof; the value of the work to be determined by three of the directors, or, if preferred, by three of the stockholders, who may be considered competent judges, or they may do so without becoming contractors upon agreement between themselves and the contractors.

Subscriptions of stock may be paid in work.

SEC. 5. That said company may erect any number of toll gates on said road, not exceeding five, and provided the toll for the entire route, shall not exceed the following rates; for each four or six horse wagon and team, one dollar and twenty-five cents; for each four wheeled pleasure carriage, if drawn by two or more horses, one dollar and twenty-five cents; if drawn by one horse, sixty-two and a half cents; for each two wheeled pleasure carriage, fifty cents; for each two or three horse wagon, seventy-five cents; for each man and horse or mule, twenty-five cents; for each led or loose horse or mule, ten cents; for each head of cattle, hogs or sheep, five cents; and the directors have power to regulate the rates of toll to persons residing on or near the line of said road.

Rates of Toll.

SEC. 6. That if any person or persons shall pass said gates arbitrarily, or within one mile thereof, for the pur-

pose of evading the toll, such person or persons shall forfeit and pay, for every such offence, to the company, the sum of five dollars; to be recovered by action of debt before any justice of the peace for this State.

SEC. 7. That whenever there is twelve miles of said road completed, said company have the privilege of erecting one toll gate, and of requiring the payment of one-fifth of the toll, as provided in the fifth section of the act, and so on for each succeeding twelve miles.

SEC. 8. That no lateral turnpike, or other road, shall be constructed within three miles of said road, without the consent of the directors, and the time of this charter shall extend to fifty years, and shall be completed in five years from the date of the charter.

Opening Books. SEC. 9. That the President and Directors shall have power to open books at such times and places as they may think best for the subscription of the remainder of the stock, necessary to build said road; and they shall also have power to make contracts for opening and constructing said road; and may, from time to time, require such advances upon the shares of stock subscribed as the wants of the company may require; *Provided*, No call shall be made for more than two dollars on each share at any one time, of which twenty days public notice shall be given.

Incorporation. SEC. 10. That said President and Directors shall be, and are hereby made a body politic and corporate, may sue and be sued, plead and be impleaded, by the name and style of the name aforesaid.

SEC. 11. That said company shall open, build and make said road equal to a first class road, according to the laws of Tennessee, at all places where the ground over which said road passes, will admit of it being done.

Obion Lumber Company. SEC. 12. *Be it enacted*, That Wm. S. Wheeler, Baptist Boyt, John Crocket, and David W. Knight, and all and every other person who shall become associated with them, in the manner hereinafter prescribed, shall be, and they are hereby incorporated by the name of the Obion Lumber Company, and as such shall have succession, and may have and use a common seal, and be able and capable to sue and be sued, plead or be impleaded in any court of law or equity, and may do every act and thing necessary to carry into effect this act, or promote the design and object of this corporation.

Capital Stock SEC. 13. *Be it enacted*, That the capital stock of said company shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, of which the lands of William S. Wheeler, in Gibson and Obion counties shall constitute a part, at such

price as may be agreed upon between him on the one part, and those who may be associated with him, and constitute the aforesaid corporation by subscription for stock, payable in money on the other part, which price and agreement shall be signified by the subscription by said William S. Wheeler to the stock of said company, of the said lands, at the price so agreed, and by the conveyance of the same to the said corporation, and by the subscription thereafter payable in money, of such other persons as may associate with him and constitute the said corporation.

SEC. 14. *Be it enacted*, That the capital stock of said company may be increased to two hundred thousand dollars, whenever the President and Directors of said company may determine so to do; the time, place and manner of which augmentation shall be subject to the direction and under the control of said President and Directors.

SEC. 15. *Be it enacted*, That the said William S. Wheeler, Baptist Boyt, John Crocket, David W. Knight, or any one of them, is hereby appointed commissioners to open subscription books for the purpose of receiving subscriptions to the capital stock of the company by this act incorporated, and the said commissioners, or a majority of them, shall cause books to be opened, and at such times and places as they may direct, for the purpose of receiving subscriptions, and upon such public notice thereof not less than ten days, as to them shall seem expedient.

SEC. 16. *Be it enacted*, That the stock shall be paid ^{Call.} in as follows, viz: Five dollars on each and every share, shall be paid to the commissioners at the time the subscription is received for the same, and the remaining ninety-five dollars shall be paid on each and every share in such instalments as the President and Directors may direct and require, and in case of default in the payment of the second or other instalments that may be required by the President and Directors of said company, in virtue of this act; the instalment or instalments previously paid, shall become forfeited to the company, and the stock on which such default shall have been made, may be sold for the benefit of the company, or the forfeiture may be relinquished at the discretion of the said president and directors, on the payment of the instalments due thereon.

SEC. 17. *Be it enacted*, That the affairs of said com- ^{Elections.} pany shall be managed by five directors, one of whom, to be chosen by the others, president, and three of whom shall constitute a quorum, being stockholders in

said company, chosen by ballot by a plurality of the votes of the stockholders present or represented by proxy, such stockholders having each, as many votes as he may hold shares; that the president and directors elected at the first election held in pursuance of this act, shall continue in office until twelve months from the time of such election, or until the first Monday in May, eighteen hundred and fifty-two, and on which said first Monday in May in each and every year thereafter, there shall be an election of directors of said company, and at the first meeting after every election of directors, they shall proceed to elect a president as aforesaid, and should it happen from any cause that an election or elections, should not be held as prescribed by this act, the charter shall not in consequence thereof, be considered forfeited, but it shall be lawful at any other time within thirty days thereafter, to make such election and appointment in such manner as shall be directed and provided by the ordinances of the corporation, and as soon as a board of directors shall, or may organize after the first election, they shall notify the commissioners thereof, who shall forthwith hand over to them all the monies received, and all the books, and papers connected with, or belonging or relating to said company.

SEC. 18. *Be it enacted*, That whenever shares to the amount of five thousand dollars shall have been subscribed, paid in, or secured to the satisfaction of the commissioners before named, in cash or the purchase of property, they or a majority of them, shall call a general meeting of the subscribers to be held at such time and place as they may deem best, and such of said subscribers as shall be present, shall elect by ballot five directors, who shall, as soon as may be thereafter, elect a president as aforesaid, organize and take upon themselves the sole and exclusive management and direction of the concerns of said company, according to the provisions and fulfilments of the objects of this act.

SEC. 19. *Be it enacted*, That the president and directors of said company shall, and may from time to time make and adopt all by-laws, and ordinances for the government and direction of said company, and the affairs thereof, as the said board may judge necessary, for carrying into effect the provisions of this law; *Provided*, the same be not repugnant to the laws of this State or of the United States.

SEC. 20. *Be it enacted*, That all contracts for the purchase and sale of property, or for the payment of mon-

ey, signed by the president and secretary of the board of managers shall be obligatory upon the corporation.

SEC. 21. *Be it enacted*, That whenever a vacancy ^{Vacancies.} shall happen in the office of directors, by death or resignation, ceasing to be a stockholder, it shall be immediately filled up by some person to be chosen from the remaining stockholders by ballot, by the other directors, to continue in office until the next regular election.

SEC. 22. *Be it enacted*, That the president and directors shall have power to purchase and hold, on behalf of said company, in fee simple, or otherwise, such lands and real estate suitable for the erection of the necessary buildings, and other works, for the accomplishment of their undertaking, as they shall judge proper, not exceeding thirty thousand acres; to prepare or procure, adopt and execute such plan or plans as they shall deem most advantageous and effectual, for establishing and carrying on milling and manufacturing, and grinding of corn, wheat and other grain, and to have power to erect steam saw mills or water mills for sawing lumber, grain, &c., in the counties of Obion, Gibson and Dyer; and also to build and purchase steam or other boats, horses, mules, negroes, and all other property which may be necessary for the business, and agreeable to the object and provisions of this Act; and to sell and dispose of all grain they may grind, and lumber they may saw, and other property they may acquire by virtue of this Act, agreeably to the object and provisions of this Act; to appoint and remove at their pleasure the secretary, superintendents, agents, or other officers, necessary for carrying on the business of said company, and to fix their compensation, to make such contracts for labor, materials, engines, and machines, and all such purchases of land, tenements or hereditaments in fee simple or otherwise, as they shall judge necessary for the legitimate objects of said company, also to contract for and obtain on behalf of said company, all such privileges, permissions, rights and advantages of every kind and nature, whatsoever, as shall in their judgment become necessary for said objects, and all the lands, tenements, hereditaments, materials, engines, machines, privileges, permissions, rights and advantages to sell again, let, hire or otherwise dispose of in whole or in part, for the benefit of said company, in such manner and on such terms and conditions as shall at the time appear to them most advantageous; and all proper and needful conveyances, assurances, contracts and deeds therefor, to make and execute, to receive, use, dispose of, and employ for the purposes aforesaid

or any of them, all the capital stock, money, property, and funds of the said company of every nature and kind whatsoever, keeping, rendering to the said stockholders at each annual meeting for the choice of directors, a particular account of all the stock, property, money and funds so received, expended, disposed of in the course of the year, the next preceding, and of all contracts, purchases and leases, sales and dispositions so made within the said period, which account so to be kept, shall at all times be subject to the inspection and examination of the stockholders, to provide for and pay out of the revenues and funds of the company, all such annual expenses as it may be necessary to incur for keeping, carrying on or promoting in any manner, the business of the company; to establish rules and regulations for the transfer of the stock of said company, and for the proof of the property and ownership therein; to call meetings of the stockholders, and from time to time, and at such times and for such purposes as they shall think proper, giving three weeks notice of the time, place and purpose of every such meeting respectively. *Provided*, That no such meeting shall be competent to the transaction of any business whatever, unless there be represented thereat a majority in value of the existing stock of said company, and generally to do and transact all things for said company, relative to the undertaking common stock and joint property aforesaid, in as full and complete a manner as the individual stockholders, or subscribers, or each or any of them might do, were the same their individual or separate property and they personally present.

Dividends.

SEC. 23. *Be it enacted*, That the president and directors, so soon as the progress of the work and the state of their funds will permit, shall make, declare and pay to the stockholders, their legal representatives, half yearly dividends, at certain stated times, to be fixed by them on the stock of the company out of the increase of the company's property, reserving such sums annually as they shall judge necessary for repairs, augmentations and contingencies.

Assignment of
stock.

SEC. 24. *Be it enacted*, That the assignees of any one or more shares of the capital stock of this company, shall upon such assignment made and completed, according to the provisions of this act and the by-laws of said company, be entitled to all the rights and privileges, benefits and advantages of original subscribers or stockholders in said company; *provided*, no assignment or transfer of stock shall be valid unless made on the books of said company, and every person

or persons having so transfered or assigned the whole of his, her or their stock in said company, shall *ipso facto* cease to be a member or president or director of said company as the case may be.

SEC. 25. *Be it enacted*, That the company hereby incorporated, shall not be construed to have power to establish mills or manufactories, or to carry on milling or manufacturing as herein before provided for, except within the limits of Obion, Gibson and Dyer counties. In what countie they may manufecture.

SEC. 26. *Be it enacted*, That nothing in this act contained shall be construed to confer upon said company banking privilege, or the powers to issue any note in the form of a bank note or certificate payable to bearer. Not to bank.

SEC. 27. *Be it enacted*, That said company be and they are hereby authorized to purchase and hold real property in or near the town of Memphis in this State, sufficient for the purpose of a depot necessary for the business of the said company. May hold real estate.

SEC. 28. *Be it enacted*, That Solomon Shaw, Allen McDougald, Jr., Richard A. Edwards, Chas. A. Edwards, Richard Hartsfield and George S. Brasfield, and all and every other person who shall become associated with them in the manner prescribed in the section 2d of this act, shall be and they are hereby constituted a body politic and corporate and shall have all the powers, privileges and immunities and shall be subject to all the liabilities of the Obion Lumber Company, as set forth in the preceding section of this act. Solomon Shaw and others company.

SEC. 29. *Be it enacted*, That the capital stock of said company, shall consist of fifty thousand dollars in shares of one hundred dollars each, of which the lands of either individual of said company shall constitute a part of said capital stock, at such price as shall be agreed upon by said company. Capital Stock.

SEC. 30. *Be it further enacted*, That the county surveyor of Coffee county, be and he is hereby authorized to survey and mark the dividing line between the county of Coffee and Cannon, and the county of Coffee shall pay said surveyor for his services. Line between Coffee and Cannon.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER LXIII.

An Act to amend the laws relative to Hampden Sidney Academy, in the county of Knox.

Trustees. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. G. M. Ramsey, James C. Lutrell, James H. Cowan, Joseph L. King, and William Swan, be and they are hereby appointed Trustees of Hampden Sidney Academy, in the county of Knox, any three of whom shall constitute a board for the transaction of business.

Officers. SEC. 2. *Be it enacted*, That said Trustees, from their own body may appoint a Chairman, Secretary, and Treasurer, and take and receive from the Treasurer a bond with security, payable to the Chairman or his successor, conditioned for the faithful performance of his duties as Treasurer.

Powers. SEC. 3. *Be it enacted*, That the Trustees shall keep a record of their proceedings, or cause the same to be done by their Secretary; may meet when called by the Chairman, or as they may otherwise agree; may make appropriations of money to employ and compensate teachers, to repair, insure or preserve the property, and may sell, purchase or exchange property, in furtherance of the objects of the Institution, and may have and use a corporate seal, may contract, sue and be sued.

SEC. 4. *Be it enacted*, That by an order signed by the Chairman, addressed to the Comptroller, a warrant shall issue to the Treasurer of the State, for such funds as may from time to time be due the Academy in the distribution of the Academy fund.

SEC. 5. *Be it enacted*, That the Trustees may make such by-laws and regulations for the government of the Institution, as they may deem advisable and not inconsistent with the constitution and laws of the State; and may fill all vacancies occurring in their own body, by resignation or otherwise.

May receive donations. SEC. 6. *Be it enacted*, That in order to increase the funds of the Academy, the Trustees may receive donations or contributions for its benefit, and may loan any of its funds, on good security, at a rate of interest not exceeding six per cent. per annum, which from time to time may unappropriated.

Former laws repealed. SEC. 7. *Be it enacted*, That this act shall be in force from and after its passage; and that all laws inconsistent with the same be repealed.

SEC. 8. *Be it enacted*, That Dr. James B. Owen, Ro-

bert L. Currin, Lorenzo D. Primm, Robert Hill, John M. Winstead, and Thomas Holt, be and they are hereby constituted a body corporate and politic, under the name and style of the Beech Grove Male and Female Academy, by which name and style they may have succession, sue and be sued, plead and be impleaded, have a common seal; which they may alter or renew at pleasure, may receive and hold by purchase, grant, devise or otherwise, such lands and tenements as may be by them deemed necessary for the purposes of said corporation, and may transfer or dispose of the same for such purposes as may appear to them expedient. Said Academy shall be located in the sixteenth civil district of the county of Williamson, for the instruction of girls and boys in the various branches of English, Classics and Mathematics.

SEC. 9. *Be it enacted*, A majority of the board of Trustees shall constitute a quorum for the transaction of all ordinary business of said Academy. Said board shall have power to elect or appoint the teachers or professors of said Academy; to hold meetings at such times and places as they may deem expedient; to elect a President, Secretary, and Treasurer; to make and enact such ordinances and by-laws as they may deem necessary for an efficient regulation and government of said Academy; to increase the number of Trustees at their discretion; to fill vacancies in said board in such way and manner as they may deem expedient; and to do and transact all other matters and things which they may deem necessary for its prosperity, not inconsistent with the provisions of this act, or incompatible with the laws of this State.

SEC. 10. *Be it enacted*, That Wm. B. Rcece be, and he is hereby appointed a Trustee of the East Tennessee University, to have all the powers and privileges of other Trustees of said Institution, and to be subjected to the same rules and restrictions as if he had never resigned.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed, February 2, 1850.

CHAPTER LXIV.

An Act to authorize Benj. Cole and others to open a Turnpike road in Carter and Johnson counties, and to authorize John Love to open a Turnpike road in Greene county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Benjamin Cole, Thos. C. Johnson, Wm. Stover, Harvey Richardson, and Sam'l. Duffield, of the county of Carter, and Green Moore, Wm. Shown, E. L. Dugger, and Abraham Law, of Johnson county, be and they are hereby authorized to open and keep in repair a Turnpike road, beginning at Lewis Garland's on Stony Creek in Carter county, running thence up the South Fork of said Creek, the nearest and best route in the judgment of the Commissioners, hereafter to be appointed; crossing the Iron mountain, and intersecting the Taylorsville road, at or near Wm. Shown's, in Johnson county, supposed to be between ten and fifteen miles.

Road to be of
first class. SEC. 2. That the said Benjamin Cole, Thomas C. Johnson, Wm. Stover, Harvey Richardson, and Sam'l. Duffield, of the county of Carter, and Green Moore, Wm. Shown, E. L. Dugger, and Abraham Law, of Johnson county, shall open, build and make said road, equal to a first class road according to the laws of this State, at all places where the ground over which said road passes, will admit of it to be done; and shall erect bridges or causeways where necessary and practicable.

commissioners. SEC. 3. That the county court of Carter county, is hereby authorized to appoint three, and the county court of Johnson county two freeholders, citizens of said counties of Carter and Johnson, to act as Commissioners of said Turnpike road, who are vested with the same power and authority of the Commissioners appointed by an act to charter the Newport Turnpike road granted to William C. Story, passed January 20th, 1846, chapter 81.

Time of completion. SEC. 4. That the said Benjamin Cole, Thomas C. Johnson, William Stover, Harvey Richardson, and Sam'l. Duffield, of the county of Carter, and Green Moore, William Shown, E. L. Dugger, and Abr. Law, of Johnson county, and their heirs and assigns, shall have the term of six years from the first day of January next, to complete said road, and shall have and enjoy the right and privilege of said road for ninety-nine years from its completion.

SEC. 5. That the said Benjamin Cole, Thomas C.

Johnson, Wm. Stover, Harvey Richardson, and Sam'l. Duffield, of the county of Carter, and Green Moore, Wm. Shown, E. L. Dugger, and Ab'r. Law, of Johnson county, their heirs and assigns are hereby authorized to erect a toll gate on said road at any point they may think proper, and shall be entitled to receive the same amount of toll authorized to be received by the said William C. Story, in the act referred to, and in all things shall be subject to the same pains and penalties, privileges and restrictions as set forth in said act authorizing William C. Story to construct a turnpike road, except when otherwise provided in the foregoing act. ^{Gates.}

SEC. 6. That any person or persons, citizens of the counties of Carter and Johnson, may contract with said proprietors, their heirs or assigns, to do work and labor on said road, or to pay its equivalent, for which such person or persons may pass said road, without toll, for a limited time: *Provided*, the proprietor or proprietors shall agree thereto.

SEC. 7. That the said proprietors, their heirs or assigns, may dispose of their interest in said road, or any part thereof, at any time they may think proper, and the party purchasing shall be subject to the same rules, regulations and restrictions of the former proprietor. ^{Proprietors.}

SEC. 8. That John Love of the county of Greene, is hereby authorized to open a Turnpike road, and establish the same from the North Carolina line, near the Bear Pen Gap, crossing Point Creek, and intersecting Cain Broyles' road at or near the Chapman Gap, on the north side of Paint Mountain; which road shall be made and finished by the proprietor thereof, according to the provisions of the first section of an act hereinafter mentioned: *Provided*, the privilege herein granted, shall not in any way prejudice said Broyle's road, and shall confer only a mere right to intersect said road, at the point designated. ^{John Love's road.}

SEC. 9. That the said John Love, with the exception of so much of the fourth section of the act hereafter mentioned, as relates to the appointment of Commissioners for said road, which appointment shall be made by the county court of Green county, on the application of the said John Love, and shall consist of two Commissioners, shall have all the rights and privileges, and be subject to all the liabilities that are contained in the 2d, 4th, 5th, 6th, 7th, and 8th sections of an act, entitled an act to authorize William Reynolds, of the county of Greene, to open and establish a Turnpike

road across Paint Mountain, passed December 6th, 1825: *Provided*, that nothing herein contained shall be so construed as to prejudice the rights of other turnpike companies.

Gate.

SEC. 10. That said John Love shall have the right to erect a gate on his said road, and shall have the right to receive the same tolls allowed to said Reynolds, by said act of December 6th, 1825, and that the privilege herein granted, shall exist for ninety-nine years.

Statesville and
Pleasant Valley
Turnpike compa-
ny.

SEC. 11. That Doak Young, Wilson Cartwright, Benjamin Phillips, James Young, Jonathan Patton, William McIntire, Nelson G. Alexander, Samuel T. Williams, Smith Warmack, James Ayres, Andrew Thompson, Joseph Williams, H. W. Pickett, Daniel Kelly, James M. Armstrong, be and they are hereby appointed Commissioners; a majority of whom may designate and mark out a Turnpike road, from Statesville, in Wilson county, to the Lebanon and Sparta Turnpike road, to intersect said road near Doak Young's, or Pleasant Valley, in the same county.

Stock.

SEC. 12. That said Commissioners may open books at Statesville, and Pleasant Valley, and such other places as they may deem advisable, to receive subscriptions for shares in said road stock, whenever they choose, the shares of which shall be twenty-five dollars, and the capital stock not exceeding twenty thousand dollars, the stock may be paid in money or labor, as the Commissioners may think best.

Incorporation.

SEC. 13. That as soon as five thousand dollars be subscribed, the Stockholders may appoint a President and Directors, and they are hereby constituted a body, politic and their successors, for ninety-nine years, with the right to sue and be sued, plead and be impleaded, by the name and style of the Statesville and Pleasant Valley Turnpike Company, and said President and Directors may commence said road, whenever they are organized as herein provided. Said company may have one gate on said road whenever the same is finished.

Style of road.

SEC. 14. That said road shall be fifteen feet wide, and varying from two to five degrees, and in other respects shall be governed by the same rules, regulations, restrictions, and liabilities, that the Lebanon and Sparta turnpike company is.

Extension of
road.

SEC. 15. That said company may, if it choose, extend said road to Melton, in Rutherford county, or any other point between Statesville and Murfreesboro'. Said road to be commenced by the first day of January,

1851, and to be completed by the first day of January, 1853.

SEC. 16. That it shall and may be lawful for Westly Chittum, his heirs, executors, administrators, or assigns, to erect and build a good and substantial bridge over Powell's river, at a place somewhere opposite his river farm; and it shall, and may be lawful for said Westly Chittum, his heirs, executors, administrators, or assigns, to keep a sufficient gate thereon, and take and receive from all persons that pass over the same such rates of toll as the county court of Claiborne county shall allow him. Westly Chittum's bridge

SEC. 17. That it shall be the duty of the county court of Claiborne county, at their first session held for said county, after the said bridge shall be completed, or at any succeeding session thereof—twelve of the acting Justices being present—to establish and fix the rate of toll that may be received by the proprietor thereof. Rate of toll

SEC. 18. That said Westly Chittum, his heirs, executors, administrators, and assigns, shall have the exclusive right and benefit of the bridge: *Provided*, he keeps the same in good repair, and shall be answerable for all damages that may be sustained by any person crossing the same, if it is made appear the aforesaid bridge was the cause thereof. Damages.

SEC. 19. That the bridge when made shall not be so placed as to obstruct the navigation of said river, but shall be built of such height, and the piers or pillars sufficiently apart, as to admit of the safe passage of covered boats under it at all times they can run with safety. And said bridge shall not obstruct the wagon ford.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed January 30, 1850.

CHAPTER LXV.

An Act to amend an act to incorporate the town of Pulaski in the county of Giles.

INCORPORATION. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Pulaski and the inhabitants thereof, be and they are hereby constituted a body corporate by the name and style of the Mayor and Aldermen of the town of Pulaski; and by the name and style aforesaid, shall have perpetual succession and may have and use a common seal, and may by the name and style aforesaid, sue and be sued, plead and be impleaded, may have and hold and purchase property, whether real, personal, or mixed, and may grant sell and dispose of the same for the use and benefit of the said corporation.

GENERAL POWERS. SEC. 2. The corporation aforesaid shall have full power and authority to enact all such by-laws and ordinances as may be necessary and proper to preserve the health, peace, quiet and good order of the said town, to prevent and remove nuisances, to establish night watches and patrols, to punish breaches of the peace, and good order committed within the limits of the corporation, whether by day or night. To ascertain and declare and re-establish when necessary the true boundaries of streets and alleys of the town; to provide for the licensing and regulating and taxing auctions; to licence and regulate and tax all theatrical and other houses and exhibitions for amusement; to pass by-laws to pave and improve streets and side walks; to establish and regulate markets and inspections; to provide for, regulate and establish fire companies, and to erect wells and cisterns, and erect pumps on the streets and public grounds; to impose and collect fines and forfeitures for violation of by-laws and ordinances of said corporation; to lay off and collect taxes upon all property and privileges and polls within the limits of said corporation, which are taxed by the laws of Tennessee or which may hereafter be made taxable by the laws of this State; to tax bowling and nine and ten pine alleys, and billiard tables; to erect a market house and regulate the same; to provide for having the square and streets lighted; to regulate sewers, gutters, within the corporate limits at the expense of owners or occupants; to restrain and prevent cattle and hogs and horses from ranging at large on the Public Square and streets within the corporate limits; to provide for and regulate and improve all pub-

lic grounds belonging to the town; to regulate license and tax all Groceries, Merchants, Retailers, Taverns, Brokers, Coffee-houses, Confectionaries, Retailers of Liquors, Peddlers, Hawkers, Livery Stable keepers, and Negro traders; to regulate, restrain and prevent all disorderly and bawdy houses; to provide for the arrest and confinement until trial, of all disorderly and riotous persons within the limits of the corporation, either by day or night; to authorize the arrest of all free negroes and slaves found violating any of the laws and ordinances of the corporation, and to regulate the time which free negroes and slaves may be absent from their owners and respective abodes, and to direct the punishment for violating the ordinances; to prevent by pecuniary penalties all breaches of the peace, noise, disturbances or disorderly or riotous assemblies in any street, alley or house within the corporate limits either by day or by night, and to pass all by-laws and ordinances necessary to suppress and prevent all and any species of disorder and immorality within the limits of said corporation. *Provided*, such by-laws and ordinances shall not be inconsistent with the Constitution of the United States or the State of Tennessee.

SEC. 3. All fines and forfeitures imposed by the by-laws and ordinances of said corporation not exceeding fifty dollars, shall be liable and recoverable before the Mayor of said corporation, or any Justice of the Peace of said county of Giles.

Fines and forfeitures.

SEC. 4. On the second Saturday in January 1850, and in each and every year thereafter, the sheriff of Giles county by himself or deputy, shall open and hold an election at the court-house in the town of Pulaski, after having given ten days notice of the time and place of the same, for seven Aldermen, who shall respectively hold their offices as such for the term of twelve months, thence next ensuing, and until after their successors are elected and qualified. And all persons living in the limits of said corporation, and who shall have been citizens thereof for six months previous to such election, and who are entitled to vote for members of the General Assembly of Tennessee, and who are not at the time of offering their votes in arrears to the said corporation for fines or forfeitures due the corporation, shall be entitled to vote for Aldermen as aforesaid, and no person shall be qualified for any office in said corporation unless he shall be qualified to vote as aforesaid, and a freeholder in said corporation. Said election shall be opened at the hour of 10 o'clock in the forenoon and closed at four in the afternoon of the same day, and the votes

Elections.

Qualified voters.

shall not be counted out until after the polls are closed, and the sheriffs and officers holding the election shall take all necessary care during the pendency of the election to see that the election shall be conducted with fairness. Previously to opening said election, the sheriff or his deputy (as the case may be) shall appoint five respectable citizens of said corporation, who shall be qualified voters to hold said election, three of whom shall act as judges and the remaining two as clerks of said election.

SEC. 5. The persons receiving the highest number of votes respectively for Aldermen shall be declared by the sheriff duly elected, and the clerks shall make out a certificate of such fact to the Recorder, and the Judges and clerks of the election shall be sworn by the sheriff or deputy (as the case may be) or by some justice of the peace of said county of Giles, to faithfully discharge their respective duties as such judges and clerks of election to the best of their skill and ability. And if the sheriff shall fail to hold the election for Mayor and Aldermen on the day pointed out in this act, then he shall again advertise as before provided, and hold the same as soon as may be thereafter. And for the sheriff failing or refusing to hold the election as herein before provided, he shall forfeit and pay to the Mayor and Aldermen for the use of said corporation, the sum of fifty dollars to be recoverable before any justice of the peace of Giles county by action of debt. And if there should be no sheriff of the county of Giles, at the time fixed for holding the election for Mayor and Aldermen, then the election shall be held by the Coroner of Giles county under the same rules, regulations, restrictions and penalties as are prescribed for sheriffs.

SEC. 6. After the Mayor and Aldermen shall have been certified, according to the provisions of this act, to be elected, and after they shall have been duly qualified, they shall out of the qualified voters of said corporation proceed to elect or appoint a Recorder and town Constable, whose compensation for such service shall be fixed by the Board, and who shall serve for and during the term of one year unless removed for cause.

SEC. 7. A majority of said Mayor and Aldermen shall constitute a quorum to do business. And if the Mayor or any of the Aldermen should die, resign or remove out of the bounds of the corporation during the time for which they had been elected, then the vacancy shall be filled at the next meeting of the Board, or so soon thereafter (as may be.) And the person or persons so elected shall perform the same duties, and be vested

with the same powers and privileges as the person or persons whose places they are appointed to fill.

SEC. 8. The Recorder and Constable shall receive a salary fixed in each and every year by the board, and not to be increased or diminished for the time of service. The Mayor and Constable shall receive such fees and commissions as justices of the peace and Constables in this State are entitled to demand and take for similar services (to wit:) for rendering judgment by the Mayor or issuing process, and the Constable for service of process and collection of money, and arrests &c., and the Constable shall receive such other fees and perquisites as the board of said corporation shall allow him. Before entering upon the duties of their offices, the Recorder and Constable shall enter into bond and security before the Mayor and Aldermen (for the time being) under such penalty as shall be deemed equal to double the amount of the sum or sums, which it is supposed will come into their hands during their continuance in office, and by virtue of their offices respectively conditioned for the faithful discharge of all the duties which devolve on them respectively as such officers. Said bonds shall be made payable to the Mayor and Aldermen of said corporation and their successors in office. And the said Constable shall be liable as herein mentioned for failing or refusing to collect by process issued by the Mayor or Justice of the Peace, on refusing to pay over monies in his hands belonging to the said corporation.

Duties of Recorder and Constable.

Their fees.

SEC. 9. The Constable shall pay over to the Recorder monthly all sums of money received by him for said corporation, and shall render an account semi-annually on the last Saturday in June and December, of each year, and as much oftener as the board shall direct, a full and complete statement of all the finances under his control. And the said Recorder shall exhibit to the board semi-annually on the last Saturday in June and December in every year, a complete statement of the finances of said corporation. The Recorder shall also within thirty days of the time of assessing the taxes of the corporation, deliver to the Constable a tax list which shall be the authority of the Constable for collecting the same. And the Recorder shall preserve a copy of the tax list among the papers of the corporation: No monies shall be paid out except by the Recorder, and in no instance except by the order of the Mayor and Aldermen sitting as a Board. At the expiration of the term of his office, the Recorder shall deliver to his suc-

Financial duties.

cessor all money, books and papers belonging to the corporation and take his receipt therefor.

Jailor.

SEC. 10. It shall be the duty of the Jailor of Giles county to receive and safely keep in his custody, all persons who may be committed to his charge for a breach of the by-laws and ordinances of said corporation, and all riotous and disorderly persons committed to his custody by the town Constable in the night time, for which he shall receive the same fees as in other cases of imprisonment.

Conveyances.

SEC. 11. In all cases where there has been or may hereafter be conveyances of any Streets, Alleys or public grounds, belonging to the said town, the conveyance made by the Mayor and Aldermen under their corporate seal, shall be good and effectual to bind the said town and corporation, and shall be good in law and equity, to vest the title according to the terms of such conveyance or conveyances, and all purchases made by the Mayor and Aldermen for and on behalf of said town and corporation, and for the use and benefit of said town and corporation, shall be good in law, and shall vest the title in said corporation for the use of said town as effectually as though the same had been done by free citizens of this State, and all such conveyances shall vest the title according to the terms of the conveyance or conveyances fully and completely.

Proceedings on
real estate for
non-payment of
taxes.

SEC. 12. Where any tax or duty shall be levied or imposed on any land or real estate at the instance of the corporation, lying within the bounds of the corporation, and the owner or owners, occupier or occupiers thereof shall fail or refuse to pay the tax or duty aforesaid, and the town Constable shall make return of that fact, and also shall return that the owner or owners, occupier or occupiers thereof have no personal property within the corporation, upon which to distrain to pay the said tax or duty, it shall be the duty of the Recorder to report the same to the next succeeding term of the Circuit Court of Giles county, at the town of Pulaski, at the term to which the sheriff is required by law to report lands for the non-payment of taxes, and thereupon it shall be the duty of said court to enter up judgment in like manner as the law directs judgments to be entered up for the non-payment of state and county taxes, and the same shall be sold by the sheriff at the same time and place, and in the same manner, and under the same rules and conditions as lands are sold in this State for the non-payment of State and county taxes, which sale and conveyance from the sheriff shall vest the title in the purchaser as fully as though the

same had been sold by the sheriff for non-payment of State and county taxes, and the proceeds of the sale shall be immediately paid over to the Recorder by the sheriff for the benefit of the corporation. And if the sheriff shall fail to pay over the sums of money received by virtue of said sale as required by this act, said sheriff and his securities may be proceeded against by motion in the Circuit Court of Giles county, and it shall be the duty of said court to enter up judgment for all monies so received, and his securities with twelve and one half per cent for the use and benefit of said corporation, and in the name of the Mayor and Aldermen.

SEC. 13. If the Recorder or Town Constable shall fail or refuse to pay over any monies by either of them received for the use of the Corporation, such Recorder or Constable as the case may be, shall be liable to be proceeded against either by motion or at common law before the circuit court of any county in this State, having jurisdiction of the person of such Recorder or Constable, and it shall be the duty of such court to enter up judgment against such delinquent officer and his securities for the sum or sums of money so received for the use of the corporation, at the rate of 12½ per cent. on the amount so recovered, and the said proceeding shall be in the name of the mayor and aldermen of said corporation: *Provided*, that if said proceeding shall be by motion, the said delinquent officer shall have five days notice thereof.

Penalty of Recorder and Constable.

SEC. 14. All fines and forfeitures exceeding fifty dollars, imposed by the by-laws and ordinances of said corporation, shall be recoverable by action of debt in the circuit court of any county in this State having jurisdiction of the person of the defendant

Fines and Forfeitures exceeding \$50.

SEC. 15. For all dues in favor of the corporation for taxes, the town constable shall proceed without delay to the collection of the same, after the list of taxes has been made out and delivered to him by the Recorder as herein provided by this act; and after having given public notice in writing at the court house door in said town, and at least three other public places within the corporation, ten days before collecting the same; and if the same shall not be paid on application by the Constable made to the person or persons liable for the same, he shall return the same before some justice of the peace for Giles county aforesaid, and demand judgment by motion, and it shall be the duty of said justice of the peace to render judgment for the same as made out and delivered by the Recorder against said delinquent: *Provided*, said tax shall not

Collection of Tax.

exceed the sum of fifty cents, and the said justice or any other justice having the said proceedings before him, shall issue execution accordingly, and deliver the same to the Town Constable, who shall proceed forthwith to satisfy the same as in other cases; and *provided further*, if the defendant hath any cause to show why said judgment should not be rendered against him as aforesaid, he shall be allowed to file such plea, and the said justice shall decide upon and dispose of the same, before rendering judgment against such delinquent.

Boundaries.

SEC. 16. The corporate limits of the town of Pualaski shall be co-extensive with the bounds of the said town, as laid off and designated in the plan of said town.

Assessment.

SEC. 17. All assessments of property within the corporate limits of said town, and liable for taxes and dues, the said corporation shall be assessed by two Commissioners, to be appointed when necessary by the Board of Mayor and Aldermen, which commissioners shall first take an oath before the Mayor or some justice of the peace for Giles county aforesaid, to make all such assessments fairly and without favor or partiality or prejudice according to the then cash value of each species of such taxable property; and make return thereof to the recorder of said corporation without delay.

SEC. 18. *Be it enacted*, That section 11, of this act be so amended as to prevent the sales or conveyance of any streets or parts of a street, by said Mayor and Aldermen: unless by consent of the owners of lots adjacent to said streets or alleys in writing first had and obtained.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 2, 1850.

CHAPTER LXVI.

An Act to charter the Franklin and West Harpeth Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Moore, Dr. P. A. Perkins, N. E. Perkins, Joseph W. Baugh, P. G. S. Perkins, Simeon Shy, and James P. Maury, of Williamson county, be and they are hereby appointed Commissioners to open books, at any time and place they may choose, for the subscription of stock to be used in constructing a Turnpike McAdamized Road, running from the town of Franklin to the Nashville and Hillsboro' Turnpike road, the most practicable route. Commissioners.

SEC. 2. That the capital stock of said company shall be sufficient to construct said road, not to exceed twenty-five thousand dollars, divided into shares of twenty-five dollars each. Capital Stock.

SEC. 3. That so soon as five thousand dollars of the said stock of the said road shall be subscribed for in cash or labor, any three or more of the said Commissioners shall call a meeting of the Stockholders of the said company at the Court House, in the town of Franklin, by giving fifteen days notice of the time and place of meeting, in some newspaper published in the county of Williamson, or in such other mode as they may direct, and at such meeting the subscribers for stock in said road shall elect five Directors, one of whom shall be President, who shall hold their office for two years and until their successors are elected. Election of Directors.

SEC. 4. That the President and Directors may, in such manner as they think best, solicit and procure additional subscriptions for stock, and shall either by themselves or some competent person or persons appointed by them, mark, lay out, and locate said road, commencing at the corporate limits of the town of Franklin, running westward by the farms of J. K. Handy, J. W. Baugh, Mrs. A. P. Maury, P. G. S. Perkins, Thomas Moore, Simeon Shy, and R. J. Buford, crossing West Harpeth near its mouth, thence through N. E. Perkins' farm, to such point on the Nashville and Hillsboro' Turnpike road, as may be most practicable and convenient. Route of road

SEC. 5. That the said President and Directors shall have the power to let out and put under contract the said road in parcels, great or small, as they may think best, to contractors for cash or stock in said company.

SEC. 6. That said President and Directors shall cause said road to be graded twenty-five feet wide. Style of road

and within five degrees of a level, covered with fine beaten stone or gravel twenty feet wide, and nine inches deep, on one side, with suitable ditches or drains on each side.

Incorporation.

SEC. 7. That the said President and Directors shall be and they are hereby made a body politic and corporate; may sue and be sued, plead and be impleaded, by the name and style of the Franklin and West Harpeth Turnpike Company, and shall have all the privileges, rights, powers, and immunities given by law to the Nolensville Turnpike Company, except as they are altered by this act, and except that the State shall not be liable for any portion of the Stock in said company.

Gate.

SEC. 8. That said company may erect a gate, charge and receive toll on said road, so soon as they shall have completed it: *Provided*, the first gate shall be erected at and east of the fork of the Nashville and Charlotte road.

Tolls.

SEC. 9. That the said company may demand and receive the same tolls that the Nolensville Turnpike Company are allowed by law to receive.

Valuation of
work.

SEC. 10. That the President and Directors of said company, shall elect three freeholders not interested in said road, directly or indirectly, who, after being duly sworn, shall examine and value such portion of said road, as may be built by the labor of the stockholders or undertakers, and return the same to the President and Directors of said company, who shall issue a certificate of stock to such stockholder or undertaker, for the amount of the valuation returned as aforesaid.

Port Royal Turn-
pike Co.

SEC. 11. That the 3d section of an act, passed the 1st day of January, 1848, chap. 193, entitled an act to incorporate the Port Royal Turnpike Company, and for other purposes, be so amended, that said Port Royal Company shall be permitted to begin the construction of said road at its intersection with the Nashville and Springfield Turnpike road, or on the top of the ridge at the terminus of the White's Creek Turnpike, as well as at Clarksville; and on the Company building the road as is prescribed in that act, from such terminus of said White's Creek Turnpike, the distance of five miles in the direction of Port Royal, they shall have the privilege of erecting one toll gate, and so on for every five miles, and to remove all doubts, the company shall have the like privilege of building and constructing said road, beginning at Clarksville, erecting toll gates as is prescribed in said act.

SEC. 12. That the tenth section of said act be so amended, that Walter H. Drane, John Boman, and Dr. Nicholas Thomas, be Commissioners, with the other persons in said section named with like powers,

SEC. 13. *Be it enacted*, That William E. Kennedy, M. D. Cooper, Constantine Perkins, J. H. Webster, Gideon J. Pillow, J. W. Frierson, Haywood Stephenson, John M. S. Mayes, James S. Fleming, and Wm. J. Webster, of the county of Maury, and Wm. Biffle, James Davis, and Joel Leftwich, of the county of Lewis, or any five of them, be appointed Commissioners to open books at such times and places as they may think proper, for subscription of stock in shares of twenty-five dollars each, either in cash or work to build a Turnpike road, to commence at the termination of a turnpike road built about one and a half miles on the Williamsport road from Columbia, or at any point on the Central Turnpike road between Columbia and Mt. Pleasant, that a majority of the stockholders may agree upon, and to extend from thence to Hampshire, in Lewis county.

SEC. 14. *Be it enacted*, That the capital stock in said road shall be a sum sufficient to build said road, not to exceed seventy-five thousand dollars, and that upon the subscription, either in work or money, of a sum sufficient to build five miles of said road, said Commissioners shall call a meeting by giving public notice to the Stockholders, who shall proceed to elect seven persons, all of whom shall be stockholders, as a Directory, who shall appoint one of their body President, and appoint a Treasurer and Secretary.

SEC. 15. *Be it enacted*, That said President and Stockholders be and they are hereby constituted a body politic and corporate, under the name and style of the Columbia and Hampshire Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and shall have a common seal and succession for ninety-nine years, with all the rights, privileges and powers, and under the same restrictions, that are imposed on the Central Turnpike Company, except so far as this act alters the same. Said road shall be graded not less than twenty feet wide, and be McAdamized or graveled not less than sixteen feet wide, and not less than nine inches deep, and shall not exceed five degrees of elevation.

SEC. 16. *Be it enacted*, That when said Directors are elected as aforesaid, and organized into a board, said President and Directors, or a majority of them, shall locate said road and take all necessary steps for its

completion, as far as the means of said company may enable them to do.

SEC. 17. *Be it enacted,* That the said President and Directors shall have the power to purchase the before mentioned Webster turnpike road: *Provided,* they can make said purchase at a price not higher than a fair consideration for the cost of constructing the same, or make any other arrangement they may deem proper for the purpose of uniting said road with the one contemplated by this act; and that in the event of a failure to make any satisfactory arrangement with the proprietors of said road, or if the proprietors will build one and a half miles more of road in the direction towards Hampshire, to be laid out by the directors aforesaid, said proprietors shall be authorized to keep one gate during the whole year, and in the event either of the above arrangements can be made, the President and Directors shall commence the road contemplated by this act, at the termination of said Webster road, but if none can be made, then, and in that case the said President and Directors can commence on the central turnpike or at the termination of said Webster road at their own election.

SEC. 18. *Be it enacted,* That persons subscribing may subscribe and take so much of said road designating the part and distance so taken, which, when built and finished by said undertaker so subscribing, in a good and substantial turnpike road like manner, shall be valued by three disinterested persons unconnected to either party, to be selected by said company, and who after taking an oath to do justice in the premises, shall proceed to examine said road, and if on said examination they find said road to be finished in manner and form as contemplated by this act, they shall then proceed to place a value on each lot thus built, which amount so paid in work, shall be placed to the credit of said subscriber, and stand as so much stock paid in; and if there be any portion of said road not subscribed to be done in work, and cash enough subscribed to finish the same, it shall be the duty of the President and Directors to let out such unfinished portions in lots to suit bidders, to the lowest bidder. And when said road is done and completed, as contemplated by this act, or any five miles thereof, the three disinterested inspectors as aforesaid, shall certify the same to the first term of the monthly county court, and thereupon said county court shall authorize said President and Directors to put up a gate for each five miles of

road thus built, and receive the same rate of toll that is allowed on the Central Turnpike road.

Sec. 19. *Be it enacted*, That the President and Directors shall lay out and mark off said road, on or as near the old road as practicable. And the work on said road shall be commenced within two years from the passage of this act, and at least one section of five miles, finished within four years, and all to be finished within five years, or this charter shall be forfeited. Route.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed January 23, 1850.

CHAPTER LXVII.

An Act to incorporate the Huntingdon and Tennessee River Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the* Commissioners.
State of Tennessee, That Citizen S. Woods, John Norman, Young W. Allen, Thomas A. Hawkins, David Green, sr., John M. Hawkins, A. C. McNeill, Thomas A. Pasteur, James Towns, and John Mabene of the county of Carroll, and Alfred P. Hall, Anderson Lashlie, C. K. Wyly, W. P. Morris, Irvin B. Carnes, D. P. Hudson, E. Perkins, Willo Arnold, Willis Rushing and R. S. Orton, of the county of Benton, be and they are hereby appointed commissioners, under whom subscriptions may be received to the capital stock of the Huntingdon and Tennessee River turnpike company hereby Incorporation.
incorporated, and they or a majority of them, may open or cause books to be opened, at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, after having given notice by advertisement, at the court house doors in the towns of Huntingdon and Camden, and also in some newspaper, for three weeks, of the times and places of opening the same; upon first opening of said books, they shall be kept open for ten days, and if at the expiration of that time, such subscription as is necessary to the incorporation of said company, shall not have been obtained, the said commissioners, or a

majority of them may cause said books to be re-opened for subscription at proper places, from time to time, for the space of twelve months after the passage of this act, or until the sum, necessary to its incorporation, shall be subscribed.

Capital stock.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be eighty thousand dollars, with the privilege of increasing the same to an amount sufficient to effect the purposes of this incorporation, should the eighty thousand dollars prove insufficient, and that the same be divided into shares of fifty dollars each. So soon as twenty thousand dollars shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and they are hereby incorporated into a company and body politic by the name and style of the Huntingdon and Tennessee River turnpike company, and by that name shall be capable in law of purchasing, holding, and selling estates, real and personal, and mixed, so far as the same shall be necessary for the purposes hereinafter named, and shall have succession for ninety-nine years, and by said corporate name, may sue and be sued, plead and be impleaded, and may have and use a common seal, which they may have the power to alter or renew at their pleasure, and shall have and exercise all the powers, rights and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act.

Elections.

SEC. 3. *Be it enacted*, That as soon as the commissioners shall ascertain that twenty thousand dollars of the capital stock has been taken, it shall be their duty to call a meeting of the stockholders at Huntingdon, of which they shall give twenty days notice in the newspaper having the largest circulation in the counties of Carroll and Benton, and at which meeting, the commissioners shall lay the subscription books before the subscribers, then and there present, and thereupon the subscribers or a majority of them shall elect seven directors, who shall be stockholders, and who shall elect one of their number, President of the board of Directors, and thus chosen shall continue in office one year, and until their successors are elected; and said stockholders shall allow said President such compensation for his services as they may deem just. In all elections, when a vote of the stockholders is taken, each stockholder shall be allowed one vote for each share owned by him, her or them, and may vote in person or by proxy.

SEC. 4. *Be it enacted*, That there shall be paid on

each share subscribed, such sum as the president and directors or a majority of them may direct, and in such instalments as the said president and directors or a majority of them may require, *Provided*, No payment shall be demanded until at least twenty days notice shall have been given by said President and Directors in some newspaper, circulating as required in the 3d section of this act, of the time and place of such payment, and the amount required; and if any subscriber shall fail or neglect to pay any instalments or part of said subscription thus required, for thirty days next after the same shall be due, and payable; the stock on which it is demanded, together with the amount paid in, may be forfeited to the company, and may be sold by the president and directors of said company, or if the president and directors prefer not to consider and declare the same as forfeited, they may sue and recover in the name of said company, before any jurisdiction having cognizance thereof, from such delinquent subscriber or stockholder, for each and every instalment demanded as aforesaid by said president and directors.

SEC. 5. *Be it enacted*, That to continue the succession of the president and directors of said company, seven directors shall be elected annually on the first Saturday in May, in every year, at such place as a majority of the stockholders may direct, and who shall elect their president as provided for in the 3rd section of this act, and should said company fail to have an election at the time prescribed, said company shall not thereby be dissolved, but said president and directors then being in office shall continue until such time as the stockholders shall elect their successors and they be organized, which election may be made at any time thereafter, by giving twenty days notice of the time and place thereof, and if any person shall refuse to qualify as a president or director, or a vacancy occur by death or otherwise, the president and directors or a majority, shall appoint and fill such vacancy until the next annual election.

SEC. 6. *Be it enacted*, That every president and director before he acts as such shall before some justice of the peace take an oath, that he will well and truly discharge the duties of such office to the best of his skill and ability.

SEC. 7. *Be it enacted*, That said president and directors shall have power to appoint a cashier, secretary, engineer or other agents, that they may deem necessary for the transaction of the business of said company, and may remove any of them at pleasure, and

may fix their salaries and determine by their by-laws, the manner of adjusting and settling all accounts against the company, and also the manner and evidence of transfer of stock in said company, and may pass such other by-laws for the regulation of the affairs of said company, as are not inconsistent with the constitution and laws of the United States or of the State of Tennessee.

General powers
as to style and
route of road.

SEC. 8. *Be it enacted*, That the president and directors of said company, shall be and they are hereby vested with all the powers and rights, necessary for the construction and the repair of a turnpike road from Huntingdon in Carroll county, to Camden in Benton county, to the most convenient point on the Tennessee river, the point to be determined either by the stockholders or the president and directors, as a majority of said stockholders at their first election for president and directors shall determine, and the ground over which said road shall pass, and its direction to be determined by the president and directors of said company. The road shall be built above high water mark in all places, and not to be less than twenty feet wide, hereby granting to said company the right to purchase land to the width of seventy feet, and to have the same condemned for the use of said road. And said president and directors may let out to or contract with others to build said road or any part thereof, in such manner as they may think best; or they and their agents may enter upon, use and excavate any land which may be laid out for the site of said road, or for the erection of mechanical shops, or other works necessary to said road, or useful to the construction or repair thereof, they may build bridges or cause the same to be done, and for the construction of said road, they may use earth, stone, gravel, sand, charcoal, timber or any other material necessary to making the said road a fine and substantial road equal to other and similar turnpike roads chartered and constructed in this State, and they may construct all necessary apparatus appertaining to the construction or repairing of said road.

Damages.

SEC. 9. *Be it enacted*, That whenever it shall become necessary after said road is laid out, to subject the lands of individuals over which said road is to run, to the use of said company, and if the right of the owner cannot be obtained by gift or purchase at a reasonable price; the builders of said road may enter upon such lands, and progress with the building of the same without waiting on the determination of any suit or suits arising therefrom. But in all such cases the county court

of the county in which said lands lie, shall appoint three disinterested freeholders of said county, who after being sworn to do justice between the company and person or persons, shall proceed to estimate the value of said lands so entered upon, and shall also estimate the advantage of said road to the remaining portion of said lands, and take the same from the damages, and the balance, if any, shall be declared to be the quantum of damages sustained by said owner or owners of lands as aforesaid, and it shall be the duty of the company to pay the same immediately, and in case of failure, the county court aforesaid, may enter up judgment on motion in favor of said owner or owners, and against said company for the amount so found as aforesaid, and on which judgment execution shall issue; *Provided*, always, that either party shall be entitled to an appeal to the circuit court of the county on giving bond and security, as in other cases when appeals are allowed by law.

SEC. 10. *Be it enacted*, That so soon as five miles of ^{Gates.} said road shall be completed, the said company shall have the right to erect a toll gate upon the same, and one gate for each additional five miles, as the same may be completed, until said company shall have erected three gates upon said road, after which there shall be no other gates established thereon, until the entire road be completed. Said company shall be authorized to erect five gates upon said road when the same is finished; *Provided*, no toll gates shall be erected nearer than two miles to Huntingdon or Camden. And the said company shall be authorized to receive the follow- ^{Tolls.} ing rates of toll at each gate, to wit: for each road wagon with four or more horses, mules or oxen, twenty five cents; for each two horse wagon, fifteen cents; for each cart, ten cents; for each four wheeled pleasure carriage, twenty-five cents; for each gig or sulky, fifteen cents; for each carryall or dearborn wagon, fifteen cents; for each man and the animal he rides, ten cents; for each head of cattle, hogs, sheep, horse, mule, jack or jennet, two cents.

SEC. 11. *Be it enacted*, That after said road shall be ^{Dividends.} completed, the President and Directors shall semi-annually declare and make such dividends of nett profits from the tolls herein grated to the proprietors of the stock of said company, in proportion to their respective shares.

SEC. 12. *Be it enacted*, That if any person or per- ^{Penalty for} sons, shall wilfully impair or destroy any part of said ^{injuring road.} road, or its fixtures, such person or persons, shall be

subject to indictment in the circuit court as in other cases of misdemeanor, and upon conviction shall be fined in a sum not exceeding one hundred dollars, and imprisoned not exceeding six months, and shall also be subject to an action for damages at the suit of said company in any court having cognizance of suits of a like character.

Officers to report
annually.

SEC. 13. *Be it enacted*, That at the regular annual meetings of the stockholders of said company, it shall be the duty of the President and Directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; and that at any called meeting the stockholders may require a similar statement.

Penalty for eva-
ding toll.

SEC. 14. *Be it enacted*, That if any person or persons, shall refuse to pay the toll hereby granted, at the time of offering to pass any gate, or if such person or persons, shall fraudulently pass such, or in any manner evade the payment of such tolls hereby allowed; the toll gatherer may, in the name of the company, by warrant before some Justice of the Peace having cognizance thereof, recover from such person so liable for toll as aforesaid, the sum of five dollars for each offence.

Inspectors.

SEC. 15. *Be it enacted*, That the county courts of Carroll and Benton counties, shall each appoint two commissioners, and whose duty it shall be, after notice to them given by said company, that five miles of said road has been completed, to proceed and examine the same, and if they shall find said portion of road completed, according to the provisions of this act, to issue to the company a certificate of that fact, and upon said certificates being given, the first gate may be erected as provided for in the 10th section of this act, and in like manner shall the remaining portions of said road be examined preparatory to the erection of the several gates thereon. Said commissioners shall be allowed one dollar per day for such services, to be paid by the company; and the county courts aforesaid, are hereby authorized to fill all vacancies that may occur in said board of commissioners, either from death, resignation or removal.

SEC. 16. *Be it enacted*, That said commissioners, before entering upon the discharge of the duties in this act prescribed, shall take an oath for the faithful discharge of the same to the best of their skill and ability.

Penalty for road
out of repair.

SEC. 17. *Be it enacted*, That it shall be the duty of said committee or a majority of the same, when notified that said road is out of repair to examine the same, and if they find the same out of repair it shall be their

duty to open the gate at the nearest point from said unrepaired place in the road, and to keep the same open until the same shall be fully repaired, according to the intent of this act, and said company shall moreover be liable to any person or persons, who may be injured in his or her person or property, by reason of any portion of said road being out of repair, the same to be recovered in any court having jurisdiction thereof.

SEC. 18. *Be it enacted*, That said company shall commence said road in twelve months from the passage of this act, and complete the same by the first day of January, 1855, or this charter shall be declared forfeited and void.

SEC. 19. *Be it enacted*, That James Felton, William Bauns, R. A. McDonald, A. F. Nicks, Charles McKinney, Thos. Hind, R. P. Shaphard, Samuel E. Gilleland, Peyton Wells and John M. Bright, or any five of them, be and they are hereby appointed commissioners to open books to receive subscriptions for the purpose of building a turnpike road from Fayetteville to the Alabama state line, at a point on or near the Meridian road, and at such point there as the President and Directors of said company may designate; the said subscription may be made payable in money or in work to be performed on the said road to an amount sufficient to build the same. So soon as subscriptions shall be made sufficient to build five miles of said road, a meeting of the stockholders shall be called by the commissioners at such place as they may select, after which meeting the said stockholders and those who may thereafter become stockholders, shall be and are hereby constituted a body politic and corporate by the name of the Fayetteville and Alabama turnpike company, and shall possess and enjoy all the rights, powers and privileges, and be subject to all the conditions, restrictions and limitations granted and imposed upon the Shelbyville and Fayetteville turnpike company, by an act passed 24th November, 1835.

SEC. 20. *Be it enacted*, That the grade of said Fayetteville and Alabama turnpike road, shall not exceed an elevation of five degrees.

SEC. 21. *Be it enacted*, That said road shall be commenced and completed within four years from the passage of this act.

SEC. 22. *Be it enacted*, That A. F. Buckner, William Watkins, D. M. Godloe, Harvey Hodge, James H. Webster, Wm. H. Webb, A. W. Walker, Samuel S. Porter, Wm. D. Williams, Powhattan Gordon, Robert Church, E. H. Spencer, Thompson Cunningham, or any

Fayetteville and
Alabama Turn-
pike road

Hillsboro', Wm.
Hampson and
Mt. Pleasant
Turnpike Co

five of them, are hereby appointed commissioners to open books at such times and places as they may think proper, for the purpose of receiving subscriptions, either in work or money, to build a turnpike road commencing at the termination of the turnpike west of Hillsboro, in the county of Williamson, and to run from thence either on the ridge or down Leepers creek, as a majority of the stockholders may determine, and to cross Duck river at Williamsport, and from thence on the most practicable route to intersect the central turnpike road at or near Mt. Pleasant in Maury county.

Capital stock.

Sec. 23. *Be it enacted*, That the capital stock in said company shall be one hundred and fifty thousand dollars, or any sum sufficient for its completion, which shall be divided into shares of twenty-five dollars each, and that upon the subscription of twenty thousand dollars, or any sum either in cash or work sufficient to build five miles of said road, said commissioners shall call a meeting of the stockholders at Williamsport, after giving twenty days notice, who shall proceed either by vote or proxy, to elect seven persons, all of whom shall be stockholders, as directors, which directory, shall elect one of their number as president and shall also appoint a secretary and treasurer, all of whom, shall hold their office for one year, and until their successors are elected and qualified, which president, directors, and stockholders, are hereby constituted a body corporate and politic, under the name and style of the Hillsboro, Williamsport and Mt. Pleasant turnpike company, and in that name may sue and be sued, plead and be impleaded, have, hold, buy, and sell, both personal and real property, for the use and benefit of said company, and use a common seal, and have succession for ninety-nine years.

Elections.

Incorporation.

Location.

Sec. 24. *Be it enacted*, That so soon as said company shall have been organized, as contemplated in the section of this act, said Directors shall proceed to locate said road either on the ridge or in the valley of Leeper's creek, as a majority of the Stockholders may have agreed; and if it is determined that said road shall be located on the ridge, they shall thereupon, by advertising ten days, proceed to let out the building said road, which shall be a graded road, and compare in all respects with the Central turnpike, or the graded portion thereof, to the lowest bidder, in lots not exceeding a mile in length; or if said company prefer to locate said road in the valley of Leeper's creek, they shall cause said road to be equal to a graveled or Mo-Adamized Turnpike, through all the valleys, and in all respects be to built as required in the Columbia and

Hampshire Turnpike, to be let out in lots as before mentioned; but if any subscriber for stock should prefer to subscribe to do so much work, he shall have the right to do so, designating the amount and distance, thus by him or them agreed to be built; which, when completed, as contemplated by this act, shall be valued by three disinterested freeholders, whose duty it shall be to examine said road, and if in their opinion on oath, that said road is in all respects built as contemplated by this act, they shall be required to place a fair cash value on such portions as may have been built by subscribers in work, which amount thus ascertained shall be, by the President and Directors, placed to the credit of said subscriber, as so much stock paid in by such subscriber, and issue to him a certificate to the amount of stock so paid, and if there be any portion of said road not subscribed for to be done in work, and there be cash enough to finish the same, the President and Directors shall let out the building of the same to the lowest bidder, in lots to suit undertakers.

SEC. 25. *Be it enacted*, That said company shall not ^{be} required to build a bridge across Duck river, but shall keep a good ferry boat for the accommodation of travelers and others passing; and for ferriage shall receive the usual tolls. The said road shall be built from thence to the Central Turnpike road, in all respects to correspond with the Columbia and Hampshire Turnpike road.

SEC. 26. The Commissioners, required by this act, to value and examine said road, shall be appointed by the Stockholders, and it shall be their duty, on the completion of any five miles of said road, and any other additional five miles, to examine as before, and if they find said road to be built as contemplated by this act, to certify the same to the county court of Maury county, for that portion of said road situated in said county of Maury, and to the county court of Williamson for the portion situated in Williamson the same; and the county courts of Williamson and Maury, or either of them for any five miles that may be done; shall authorize said company to erect gates and receive tolls for each five miles of graveled or sanded Turnpike, or one gate for each ten miles of graveled Turnpike, the same tolls that are allowed on the Central Turnpike. The said Commissioners shall be allowed two dollars per day, and be paid by said company.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, Feb. 1, 1850.

CHAPTER LXVIII.

An Act to establish a Medical College in the city of Nashville.

Be it enacted by the General Assembly of the State of Tennessee, as follows:

Incorporation.

SEC. 1. A School for instruction in the various branches of Medical Science, is hereby incorporated under the name and style of the "Medical College of the University of Nashville," by which name, said College shall be able and capable in law, of suing and being sued, of pleading and being impleaded, of taking and holding property, real and personal, for the purposes of its incorporation, and of disposing thereof; of having and using a common seal, and of altering the same at pleasure; and of doing all and singular such matters, acts and things, as may tend to the advancement of Medical Science.

Trustees.

SEC. 2. Said College shall be governed by nine Trustees, who shall not be medical men, any five of whom shall be a quorum for the transaction of the ordinary business of the College. Said Trustees may organize themselves for the transaction of business in such manner, and under such officers, and by such by-laws, as to them may seem, from time to time, meet and proper. And they shall continue their succession by appointments of their own, whenever any vacancy shall occur in their number. The first nine Trustees shall be the following persons:—Stirling Cockrill, Russell Houston, S. R. Anderson, John B. Johnson, W. H. Humphreys, John M. Lea, Joseph H. Shepherd, D. L. Topp, Isaac Paul.

Faculty.

SEC. 3. The Faculty of said College shall consist of not less than seven, nor more than nine Professors, to be elected by a majority of two-thirds of the board of Trustees; and all vacancies in the faculty shall be filled by the Trustees, by and with the advice and consent of a majority of the remaining members of the Faculty. *Provided*, that a majority of two-thirds of the board of Trustees shall have the power to exclude any member of the Faculty, whenever, in their judgment, the interests of the College may require it.

SEC. 4. The President shall have power to call a meeting of the Trustees, whenever he, or any two or more of the Trustees, or a majority of the Faculty may desire it.

Honors and Degrees.

SEC. 5 The Faculty may grant such honors and degrees as are granted by similar institutions in the United States; and may give such testimonials thereof,

under the corporate seal and signatures of the Faculty and Trustees, as they and said Trustees may devise. And the said testimonials or diplomas shall entitle the graduates of said College, to all the privileges and immunities, which either by custom or by statute, are allowed to the graduates of other medical schools.

SEC. 6. No gift, grant, devise or other transfer of ^{Devise.} property to or for the use of said College, shall be defeated by a misnomer thereof in the instrument evidencing such gift, grant, devise or transfer: But on the contrary, every such instrument shall be effectual in law, if it sufficiently express the maker's intention thereby to devote the property therein named or described, to the advancement of medical science, under the direction of said College.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed November 13th, 1849.

CHAPTER LXIX.

An Act to change the line between the counties of Grainger, Hawkins, and Jefferson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Grainger, Hawkins, and Jefferson, be so altered as to include the storehouse of Obadiah Boaz, at Cheek's Cross Roads, in Grainger county, so that the line will run with the main Stage Road leading from Knoxville to Jonesboro', to Cheek's Cross Roads, and from thence along the Bean Station Turnpike to the residence of Obadiah Boaz.

SEC. 2. *Be it enacted,* That the line between the counties of Grainger and Hawkins, be so altered as to include the farm of David Harris, in Grainger county.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed November 12, 1849.

CHAPTER LXX.

An Act to fix the times of holding the Circuit Courts in the 14th Judicial Circuit, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Courts in the 14th Judicial Circuit, be held at the following times, to wit:

For the county of Perry, on the third Mondays in January, May and September;

For the county of Wayne, on the fourth Mondays in January, May and September;

For the county of Lawrence, on the second Mondays in February, June and October;

For the county of Decatur, on the first Mondays in March, July and November;

For the county of McNairy, on the second Mondays in March, July and November;

For the county of Hardin, on the third Mondays in March, July and November.

SEC. 2. *Be it further enacted*, That all process heretofore issued, or which may be issued hereafter from any of said courts, returnable to the terms of said courts as heretofore fixed by law, be and the same are hereby made returnable for the several counties to the courts as herein fixed.

Chancery Court
at Waynesboro
and Lawrence-
burg.

SEC. 3. *Be it further enacted*, That the Chancery Courts at Waynesboro', be hereafter held on the first Mondays in February and August, and that the Chancery Courts at Lawrenceburg, be held on the first Thursdays after the first Mondays in February and August.

SEC. 4. *Be it further enacted*, That the provisions of the second section of this act shall apply to all process issued from the Chancery Courts at Waynesboro', and Lawrenceburg.

SEC. 5. *Be it further enacted*, That this act shall go into effect from and after the first day of April, 1850.

LONDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed January 26, 1850.

CHAPTER LXXI.

An Act to incorporate the Springfield and Mansko's Creek Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Henry Hart, Vincent Williams, John J. Pope, Tyler Edwards, Jas. Sprouse, Eli Baggett, Lewis Nichols, Jo. C. Starke, Daniel Clarke, John H. Smith, Willie Woodard, Wm. Bridges, Walter Bell, A. G. Green, Dr. H. Robertson, Pleasant Smith, E. S. Gardner, E. Cunningham, Ralien Davis, E. P. Connell, S. C. Bowens, R. Harrison, Wm. P. Connell, Wm. D. Phillips, Jackson C. Bryan, Chas. Powel, sr., E. S. Cheatham, of the counties of Davidson and Robertson, be and they are hereby authorized, at such time and place as they may appoint and designate, to proceed to open books to receive subscription to a turnpike road commencing in the county of Davidson or Sumner, at or near the house of E. P. Connell, on the Louisville turnpike road, running thence up Mansko's creek the nearest and most practicable way to the Kentucky line; the way a majority of the commissioners may think most practicable; which turnpike road shall be known as the Mansko's Creek and Springfield Turnpike Road.

SEC. 2. *Be it enacted,* That the stock in said road shall consist of shares of twenty-five dollars each.

SEC. 3. *Be it enacted,* When the aforesaid commissioners mentioned in the first section of this act shall have received a sufficiency of subscription of stock to build said road as hereinafter mentioned, the said commissioners (or a majority, which shall constitute a quorum) shall publicly notify the stockholders, who shall meet at Springfield, at such time as said commissioners shall appoint and designate, and proceed to elect seven directors, being share holders, who shall elect one of their body president of the board of directors, and the president and directors, thus chosen, shall have power to elect a secretary and treasurer; all of the officers, so elected and chosen, shall hold their respective offices for one year, and until their successors be chosen and appointed, which officers and stockholders are hereby created a body politic and corporate, under the name and style of the President and Directors of the Mansko's Creek and Springfield Turnpike Company, and in that name may sue and be sued, plead and be impleaded, and may make such by-laws and regulations as shall be necessary to carry out the powers herein given.

SEC. 4. *Be it enacted,* That the president and directors shall have full power to make contracts with any person.

or persons for the clearing, opening and making the said road along the route which shall have been marked out by a majority of the aforesaid commissioners mentioned in the first section of this act.

Style of Road. SEC. 5. *Be it enacted*, That said road shall be opened thirty feet wide, graded twenty-five feet, and shall be McAdamized with rock or creek gravel eighteen feet on the surface, one foot thick in the centre, and six inches at the edges; and said road shall be graded to two and a half degrees, with the exception of that portion at the head of Mansko's creek, known as the ridge, which shall be graded to three and a half degrees; and said company shall build all such bridges, culverts and other drains in such manner as will be durable and sufficient to drain said road at all seasons of the year, and when said road is thus made, they shall be allowed the same rate of toll at their respective toll gates, that is allowed on the Louisville turnpike road.

Gates. SEC. 6. *Be it enacted*, When five miles of said road shall be completed, commencing at the Louisville turnpike road near E. P. Connell's, said company may erect a toll gate upon the same, and charge toll, provided there is five thousand dollars subscribed in stock, and said company may, from time to time, when the additional sum of five thousand dollars shall be subscribed, erect a second gate, provided there is five miles more of said road completed, and so on the same proportion until said road shall be completed; provided, there shall not be more than one gate for every five miles on said road.

Calls of Stock. SEC. 7. *Be it enacted*, That the aforesaid commissioners may demand of such subscribers as may take stock in said road, such sums as to them may seem reasonable, to facilitate the speedy completion of said road, and said commissioners are authorized to receive subscription for stock on said road, to be paid either in money or work, in such proportions as said commissioners shall authorize or direct.

SEC. 8. *Be it enacted*, That the third section of an act to incorporate the Clarksville and Russellville turnpike road company, which relates to the collection of such stock as may have been subscribed, when the same is called by the proper authorities and not paid, be and is herein adopted.

Penalty for not paying Toll. SEC. 9. *Be it enacted*, That if any person shall refuse or neglect to pay the toll hereby granted, at the time of offering to pass, the toll gatherer may lawfully refuse a passage to such person, or persons, or things subject to toll aforesaid; or if any article or things liable to toll shall, by any means, pass without payment when de-

manded by the toll gatherer, the company may, by warrant from any justice of the peace, recover from the owner or person in possession of such articles, or subject of toll, five dollars for each offence.

SEC. 10. *Be it enacted*, That if said company shall not begin said work within two years after said company shall have been formed, or shall not have completed the same, the whole or five miles of said road, then and in that case, all rights and interests in the said road and tolls aforesaid, hereby vested in said company, shall forever cease and determine. Time of completion.

SEC. 11. *Be it enacted*, That the said corporation shall exist and remain for the period of ninety-nine years.

SEC. 12. *Be it enacted*, That the persons who may become subscribers for stock as hereinafter prescribed, shall be incorporated into a company to be called the Bedford and Coffee County Turnpike Company, who shall have succession and have power to build a McAdamized turnpike road from Coffee Springs in Bedford county, where the branch railroad from Shelbyville intersects the Nashville and Chattanooga railroad, by Davis' mills in said county; thence to McBride's creek; and thence up said creek until said road shall intersect the Murfreesborough and Manchester turnpike company, with a capital of fifty thousand dollars, in shares of twenty-five dollars each. Bedford and Coffee county Turnpike Company.

SEC. 13. *Be it further enacted*, That books for the subscription of stock in said company shall be opened on the first Monday in April next, by Jas. S. Armstrong, G. G. Osborne, Edward A. Mosby and L. C. B. W. Shaw, of Bedford county, and Martin Hancock, A. Maxwell and Alfred Jacobs, of Coffee county, at such times and places as said commissioners or a majority of them may designate, and said books shall be kept open until the first day of May thereafter, unless the amount of stock shall be sooner subscribed. Commissioners.

SEC. 14. *Be it further enacted*, That whenever ten thousand dollars shall be subscribed, the stockholders shall elect eight persons who shall be directors in said company, four of whom shall reside in Bedford county, four in Coffee county; said board of directors shall elect one of their body president of said company. Election of Directors.

SEC. 15. *Be it further enacted*, That if the amount of ten thousand dollars shall not be subscribed within the time limited above, the commissioners above named, or any one or more of them, or any agent they may appoint, may open books, at such times and places as they may designate, for the subscription of stock, and after the election of directors as herein provided, said company

may open books, at such times and places as they may designate, for the subscription of stock.

SEC. 16. *Be it further enacted*, That said company may, if they see proper, commence work at any time, after ten thousand dollars may be subscribed.

Calls of Stock. SEC. 17. *Be it further enacted*, That the stock shall be paid by instalments of five dollars a share, whenever called for by the board of directors: *Provided*, Said calls are not made oftener than once in sixty days, and said company may sue for any calls that may be made, or declare the stock of delinquent stockholders forfeited.

Style of Road. SEC. 18. *Be it further enacted*, That said road shall be built and constructed in all things as the Nashville and Murfreesborough and Shelbyville turnpike road was required to be built; except it shall only be twenty-five feet in width, and at a grade of five degrees, and McAdamized or gravelled eighteen feet; the rates of toll charged on said road shall be the same as those charged by said company, or which may be hereafter charged by said road, and they shall have the same **Tolls.** remedies against persons refusing to pay toll, or for avoiding the gates, as are given to the Nashville, Murfreesborough and Shelbyville turnpike company for like injuries.

Gates. SEC. 19. *Be it further enacted*, That said company may erect toll gates on said road, for every five miles of said road which may be completed.

Elections. SEC. 20. *Be it further enacted*, That the election for directors shall be held at Davis' mills, in Bedford county, by a justice of the peace and clerk, and the eight persons having the highest number of votes shall be the directors; who shall continue in office for twelve months or until their successors are elected and qualified, and all elections for directors, after the first one, shall be held annually on the first Saturday in July, in each and every year, at such place as the directors may designate, and in the election of directors, each stockholder shall be entitled to one vote for every share of stock he may own in said company.

SEC. 21. *Be it further enacted*, That the president and directors of said company shall take an oath before some justice of the peace, to honestly and faithfully perform the duties required of them by this act.

Secretary and Treasurer. SEC. 22. *Be it further enacted*, That said president and directors shall have power to elect a secretary and treasurer of said company, and require bond and securities of them, conditioned for the faithful performance of their duties.

SEC. 23. *Be it further enacted*, That whenever the

board of directors shall be organized and elected, as herein provided, they may call for so much, on each share of stock, as will enable them to have the route surveyed and an estimate made of the cost of the same.

SEC. 24. *Be it further enacted*, That the president and directors of said company may receive subscriptions for stock in said company, to be paid in work, or receive any subscription that may be made for stock, to the commissioners, before the organization of the company, in work, upon such terms as said president and directors may agree to.

SEC. 25. *Be it further enacted*, That the stock of said company may be transferred or sold from one stockholder to another, in such manner as the president and directors may prescribe.

SEC. 26. *Be it enacted*, That the Lebanon and Hartsville turnpike company, chartered at the present session of the General Assembly, be and they are hereby authorized to build said road on any county road in the counties of Wilson or Sumner; erect gates, collect tolls from all persons, as provided for in the act aforesaid; and that the Lebanon and Cumberland turnpike company, chartered at the present session of the General Assembly, be and they are hereby authorized to build said road on any county road in the county of Wilson, and to erect gates, collect tolls from all persons, as provided for in the act aforesaid.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 31, 1850.

CHAPTER LXXII.

An Act to authorize the formation of Turnpike Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any number, not less than five, one half of whom shall be citizens of this State, may constitute themselves into a company to build a McAdamized, or planked turnpike road, who, before commencing business shall make, probate, and have registered in the register's office of each county through which the contemplated road is to pass, [a memorandum in writ-

ing] signed by the members of the company, setting forth the name, and place of residence, of each person who has taken stock in the company; the name and style of the company; the description of the road whether McAd-amized, or planked; the width of the bed, and gravel, or stone, or plank, and the grade of the road; and, also setting forth, with reasonable certainty, the contemplated points of termination, and general route of such road; the amount of capital stock to be employed in such enterprise; and the number and value of shares, or proportion of each stockholder, and a copy of the memorandum shall be filed in the office of the secretary of State.

Sec. 2. Be it enacted, That said persons so constituting themselves into a company, shall be deemed, and held a body corporate, and shall have succession for ninety-nine years, and shall sue, and be sued, in the name set forth in said memorandum; and may have a common seal.

Sec. 3. Be it enacted, That any such company having filed, and registered the memorandum aforesaid, shall survey, and locate a route of such road, and actually commence the construction thereof, within one year from the time of registration of the said memorandum, and shall *bona fide*, continue the making thereof, and complete the same, within five years therefrom, or within such further reasonable period, not exceeding ten years in all, as the Governor of the State may grant, if they are unable, with proper diligence, to complete the same within five years as aforesaid, which further time the Governor is authorized to grant; *Provided*, They are *bona fide* progressing with reasonable diligence.

Sec. 4. Be it enacted, That any such company, shall, within the one year aforesaid, cause to be filed in the register's office of the several counties through which said road may pass, a copy of the survey of the route, and location of the road; and no alteration shall thereafter be made in the terminations, or route of such road exceeding two hundred yards from such original location, unless for good cause shown, and sanctioned by the county court of the county in which such alteration is desired to be made; and a map, or plate of such alteration, with a copy of the order of approval by the court, shall be made, and filed in the office of the register of the county wherein such alteration may be made.

Sec. 5. Be it enacted, That after such route shall have been surveyed, and located as aforesaid, if the contemplated route of said road shall run through the lands of any person who is unwilling, or incapable in law, to grant the same for such purpose, or with whom such company are unable to agree as to the price to be paid for such

land, for the use of such road, upon the application of either party by petition to the circuit court, a jury of five freeholders, disinterested, shall be summoned by the sheriff of the county, who shall (first having taken an oath a true verdict to give, which oath the sheriff is hereby authorized to administer,) assess the damages of the owner of the land, taking into consideration the advantages of the road to such person. The sheriff shall give each party five days' notice of the time, and place, of the setting of said jury; and shall return the verdict of the jury to the next term of said circuit court, which court shall thereupon enter up judgment upon said verdict, unless the same is set aside by the court for good cause shown. And if said verdict be set aside, the court shall order a new jury, who shall assess the damages in the same manner, and make return thereof, and upon final judgment being entered up, said company may enter upon, and take possession of said lands, not exceeding fifty feet in width, and may continue to hold, and use the same for the purposes of said road; *Provided*, That such company shall, in the first place and before such entry, pay, or tender to the owner, or his agent, the sum so assessed by the jury. The costs of the proceeding shall be paid by the company, unless they make it appear that they had offered to said person, or his or her agent, before the commencement of the proceeding in court, as large a sum as may have been assessed by the jury, in which case the costs shall be paid by the party who refused to accept the tender.

SEC. 6. *Be it enacted*, That whenever the route of such road shall pass through lands belonging to the State of Tennessee, the exclusive use of such lands, to the extent of fifty feet in width, shall be, and is hereby granted to such company, for the purpose of constructing such road; and the free use of timber, stone, gravel and earth, on the lands of the State, convenient to any such road, is also granted. State grants right of way.

SEC. 7. *Be it enacted*, That such road, if McAdam-Style of Road-ized, shall be at least bedded twenty-four feet wide, the first coat of stone sixteen feet wide and six inches thick, the second coat of stone, or gravel, at least eight feet wide, and six inches thick, the stone of the last coat to be beat to the size at least of one half pound in weight; and if covered with plank, the covering of plank, shall be at least eighteen feet wide, and shall be graded to within five degrees of a level, and shall have sufficient ditches, and culverts, to drain off the water, and good bridges across the streams of water; except such rivers as the county court of the county in which that portion of the

road may lie, may, by an order, relieve such company from bridging; and said county court, may authorize, at its discretion, such company to keep up a ferry, on such river, at the place the road crosses, and charge the same toll as other ferries in the county, and be subject to all the liabilities, and restrictions, of other ferries.

Entitled to material.

Sec. 8. *Be it enacted*, That such companies, shall have the right to take any wood, timber, stone, gravel, or dirt, convenient to said roads, necessary for the advantageous construction of the same: *Provided*, They shall pay for the same, such damages as may be reasonable, if any should be claimed by the owners. And should the parties be unable to agree as to the amount to be paid, the matter shall be determined as provided in section fifth of this act.

Action for damages, when barred.

Sec. 9. *Be it enacted*, That no petition, suit, or action, shall be brought for damages on account of such road running over the lands of a person, after twelve months from the date of the filing in the office of the register, the location and survey of the route, as provided for in section fourth of this act; nor shall any petition, suit, or action, be brought for damages, on account of the taking by such company, of timber, gravel, stone, or earth, after twelve months from the time the same may be taken: *Provided*, Persons *non compos*, *femes covert*, imprisoned, or beyond seas, shall have twelve months after becoming of sound mind, discover, set at liberty, or returned from beyond seas, in which to file their petition, or bring their suit, or action.

When Bills in Chancery may be filed.

Sec. 10. *Be it enacted*, That should any other company, or person, deem their rights or privileges informed [infringed] upon by any contemplated road, they, or he, may file their bill in the chancery court of either of the counties through which the road passes, against such new company; and such suit shall be conducted as other chancery suits, and the court shall make such decree as may be conformable to law and equity: *Provided*, No bill shall be filed to injure [enjoin] such new company, for such alleged infringement, after twelve months from the date of the registration of the memorandum provided for in the first section of this act.

By-Laws.

Sec. 11. *Be it enacted*, That such companies shall provide by by-laws, (to be made by a majority of the stockholders, and entered in a book, to be kept by them as a record of their proceedings,) for the annual election of such directors, not less than three, nor more than nine, and for such officers, agents, and servants of the company, as they may deem necessary, and proper, to conduct the business thereof, which directors, officers, agents and servants, shall continue in office until their successors are

elected and qualified; and said companies shall make such other by-laws, rules and regulations, to be entered upon [their books,] as may be deemed necessary for the laying out, building, keeping up, and government of such companies. To constitute a quorum at any meeting of stockholders, a majority of shares, shall be represented in person, or by proxy, appointed by written authority; and to constitute a quorum of directors, a majority of two thirds of the directors shall be present. Office.

Sec. 12. *Be it enacted*, That the election for directors, shall be held on the first Monday in December, and they shall go into office on the first Monday in January following; and said directors shall then elect such officers, agents and servants, as this act, and the by-laws of the company may direct. The president of the board shall be chosen from the body of the directory. Election for Directors.

Sec. 13. *Be it enacted*, That the directors shall have power to call a meeting of the stockholders, at such time, and place as they may deem necessary: *Provided*, This shall not supersede the necessity of an annual meeting on the first Monday in December. Meetings.

Sec. 14. *Be it enacted*, That such company, may purchase, and hold, as much as ten acres of land adjacent to such [each] toll gate.

Sec. 15. *Be it enacted*, That said companies shall provide, by by-laws, for calling for payments of stock; all of which shall be called for if necessary, for the building of the road, and payment of the debts of the company, within the time allowed for building such roads; and should any stockholder fail to pay any call, his stock may be sold, by order of the directory, for the amount of the call, or calls, that may be due, and the purchasers of it, shall have all the rights, and be subject to all the liabilities of the original subscriber. If it does not bring the amount due, the original owner shall be liable to a suit for the balance, and the company may bring debt or assumpsit, at its election, against such delinquent stockholder. Calls of Stock.

Sec. 16. *Be it enacted*, That should any original stockholder, or the purchaser of stock, fail to pay into the treasury of the company agreeably to the calls, he shall be personally, and individually liable to any creditor of the company, for the amount he has so failed to pay in, and interest thereon. Failure to pay Calls.

Sec. 17. *Be it enacted*, That twenty days' notice shall be given of each call, either by publication in a newspaper, or by personal service of notice; according as may be provided by the by-laws of the company; that such Notice of Calls.

companies, may, by by-laws, provide for the payment for stock, in work on the road.

Gate. SEC. 18. *Be it enacted*, That said companies, shall have the right to erect one toll gate for every five miles of road; and to place them on such parts of the road as they may deem best; and to erect said gates as fast as sections of five miles are completed, from either terminus of the road: *Provided*, No gate shall be erected nearer than one mile and a half of any incorporated town or village: *And provided further*, No two gates shall be nearer to each other than four miles,

Toll. SEC. 19. *Be it enacted*, That said companies shall be authorized to demand and collect the following tolls from all persons passing on said road, to wit: One cent per head for hogs or sheep, two cents per head for cattle or horses or mules in a drove; for horses or mules not in a drove nor employed in drawing, five cents per head, whether mounted or not; for every loaded wagon twenty-five cents; for buggies and barouches and other similar two horse carriages fifteen cents; other two horse pleasure carriages twenty-five cents; for one horse buggies, and other similar vehicles for the conveyance of persons, ten cents; other vehicles for the transportation of goods or produce, ten cents.

Penalty for passing without paying toll. SEC. 20. *Be it enacted*, That if any person shall forcibly or secretly pass said gates without paying the toll, or go round any of such gates, after travelling on such road, to avoid the payment of toll, such person so offending shall be liable to an action before any justice of the peace for the amount of the toll, and shall also forfeit and pay five dollars for every such offence to such company, to be recoverable by action of debt before any justice of the peace; and both the toll and the forfeiture of five dollars may be sued for in the same warrant.

Order for the creation of Gates. SEC. 21. *Be it enacted*, That before such companies shall erect a toll gate or toll gates, they shall procure the county court of one of the counties through which the road may pass, to appoint three disinterested persons to examine the said road, who shall be sworn a true report to make, and if said persons shall report that said road, or that part on which it is proposed to erect a gate or gates, has been finished according to this act, then an order shall be made allowing such gate or gates to be erected.

Roads out of repair. SEC. 22. *Be it enacted*, That should such road or any part of it, become and remain out of repair for twenty days at one time, any person may make affidavit before any justice of the peace of the county of the fact, and thereupon a warrant shall issue against such company and be served upon any gate keeper or the presi-

dent of the company; and some justice shall hear the case, and should he be of opinion that the complaint is not sustained by proof, shall tax the party making the affidavit with the costs; but should he determine that the complaint is sustained by the proof, he shall give judgment that the nearest gate or gates [shall be opened;] and shall issue an order to the sheriff or some constable of the county to carry into effect said judgment, and also an execution for costs, from which judgments, either party may appeal to the next term of the circuit court of the county. And when said road shall have been properly repaired, said justice of the peace or his successor shall, upon due proof made that said road has been properly repaired, give judgment that said gate or gates be again closed, and the company authorized to receive toll.

Sec. 23. Be it enacted, That the sheriff shall be entitled to a fee of one dollar, and the jurors to one dollar each, for the services provided for in the fifth section of this act; and the justice of the peace and constable or sheriff, to fifty cents each, for the service provided for in the twenty-second section of this act, and if subpoenas should be issued for witnesses, and be served, the constable or sheriff and the witnesses shall be allowed the same fees as in other cases; and the three persons appointed according to the provisions of the twenty-first section of this act, shall be entitled to one dollar each to be paid by the company.

Sec. 24. Be it enacted, That the stock in all such roads and all roads heretofore chartered in this State, shall be deemed and held personal property; and any stockholder may transfer his stock in whole or in part by a written assignment on the books of the company. Which books shall always be open to the inspection of any citizen. And said stock shall be subject to levy and sale as other personal property.

All stock in Turnpike Roads personal property.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 7, 1850.

CHAPTER LXXIII.

An Act to amend two Acts in regard to Insolvent Estates: one passed January 26th, 1838 and the other October 18th, 1833.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the second section of an Act passed January 26, 1838, entitled an Act to amend an Act entitled an Act to regulate and simplify the distribution and division of estates of persons dying insolvent, be and the same is hereby amended, so that it shall be the duty of the complainant or complainants in his or their bill to state that the estate, real and personal, of the decedent exceeds the value of three thousand dollars.

SUGGESTION OF INSOLVENCY TO OPERATE AS AN INJUNCTION.

SEC. 2. That the suggestion of insolvency and advertisement thereof shall operate as an injunction in all cases against the bringing of any suit or suits before any judicature whatever against the administrator or executor of such insolvent estate, and that whenever any suit or suits have been instituted before such suggestion, it shall be the duty of the court or justice before whom the same are pending, immediately upon the rendition of a final judgment or decree, and the evidence of suggestion, to cause the same to be certified to the clerk of the county court before whom the suggestion has been made.

SEC. 3. That where any creditor, whose debt is not due, wishes to become a party to such proceeding, he shall be authorized to do so in the same manner as provided by the Act of January 26, 1838.

SEC. 4. That executors and administrators shall, in all cases, be allowed by the clerk a reasonable compensation for their services.

CLERK TO ADJUDICATE DISPUTED CLAIMS.

SEC. 5. That in all cases where the claims of creditors shall be disputed by the executor or administrator, or there shall be assets that shall be disputed, or claims of doubtful character brought forward by the administrator or executor in his own favor, it shall be the duty of the county court clerk to adjudicate and determine the same, and if either party be dissatisfied with his decision, he may pray an appeal to the next term of the circuit court, and may obtain the same upon entering into bond and security, as in cases of appeals from justices of the peace, and such bond in the circuit court shall have the force and effect of other appeal bonds; and thereupon the said clerk shall certify the same to the circuit court of his county at its next term, where such issue or issues shall be formed under the discretion of

the court as will properly present the questions for decision without writ or declaration, and the judgment of the court therein, or of the supreme court, if an appeal should be taken, shall be certified back to the clerk of the county court.

SEC. 6. That all laws and parts of laws inconsistent with this act be and the same are hereby repealed.

SEC. 7. That the order of the clerk of the county court, making a pro rata distribution of the assets of an insolvent estate, shall operate as a judgment, upon which execution may be issued by the clerk in favor of any creditor, directed to any officer, and returnable before himself in thirty days; and upon which such other proceedings may be had to enforce the liability of the administrator or executor, and their securities as are usual in other cases of judgments; *Provided*, That no such execution shall issue, until proof be made before the clerk, that the administrator or executor has had ten days notice in writing, of the creditor's intention to apply for the execution; *And provided further*, That for any failure or neglect on the part of the officer in executing or returning any such execution or other process, the creditor may have the same remedies in the circuit court by motion and otherwise, as now given by law in like cases.

Clerk's order in making distribution to operate as a judgment.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 30, 1850.

CHAPTER LXXIV.

An Act to allow appeals in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter in all trials had before justices of the peace, upon actions of forcible entry and detainer, and unlawful detainer, the party dissatisfied with the judgment of the justices, may pray and obtain an appeal to the circuit court as in other cases; upon giving security for damages and costs as is now the law in cases of *certiorari*.

SEC. 2. *Be it enacted*, That in trials where the jury

Keepers of jury shall be placed under the care of an officer, and kept
 allowed com together for more than one day, there shall be allowed
 pension. him who keeps said jury, as a full compensation for
 each day he may so keep and provide for said jury, not
 less than six and not more than nine dollars, in the dis-
 cretion of the presiding judge.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 7, 1850.

CHAPTER LXXV.

An Act to compensate Jurors of Inquest and Physicians for postmortem examinations.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act, it shall and may be lawful for the several county courts in this State to allow all jurors of inquest compensation at the rate of fifty cents per day.

SEC. 2. *Be it further enacted*, That said court shall also allow compensation to the surgeon or surgeons, who make such examination, under summons of the coroner, provided there shall not be more than two, and the compensation of each shall not exceed the coroner's fee.

SEC. 3. *Be it further enacted*, That no such allowance shall be made except [for] the services of the jurors of inquest and physicians [who] shall be duly represented [reported] by the coroner to said court.

SEC. 4. *Be it enacted*, That where coroners shall deem it necessary to have an analysis made, to examine for poison, in cases of suspected murder, they are hereby authorized to have the same done by some competent chemist; and there shall be allowed the chemist a fee, not to exceed twenty dollars for the analysis.

LONDON C. HAYNES,

Speaker of the House of Representatives

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 7, 1850.

CHAPTER LXXVI.

An Act to incorporate the Nashville and Louisville Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of establishing a communication, by Railroad, between the cities of Nashville and Louisville, in the State of Kentucky, through the town of Gallatin, in Sumner county, commencing on the north bank of Cumberland river, at some central or convenient point to the city of Nashville, the formation of a company, to be called the Nashville and Louisville Railroad Company, is hereby authorized, which, when formed, shall have corporate existence in each of the States aforesaid; *Provided,* That said Company shall have the privilege of crossing said river and conveying to the city from its depot on the north side of the river, freights and passengers in cars drawn by animal power.

SEC. 2. *Be it further enacted,* That the books for the subscription of fifty thousand shares of capital stock for said company, of one hundred dollars each, shall be opened on the first Monday in June next, and shall be kept open for one hundred days, between the hours of ten o'clock in the morning and four o'clock in the afternoon; of each of these days (Sundays excepted) at the following places, and at such other places in the United States as the following commissioners, or a majority, may designate: in the city of Nashville, Col. E. H. Foster, John Shelby, J. P. W. Brown and N. Hobson; in the town of Gallatin, Jo. C. Guild, Wm. M. Blakemore, Wm. H. Crutcher and Elijah Boddie; in the town of Carthage, H. B. McDonald, and William Cullom; in the town of Scottville, Wm. F. Evans, J. C. Mulligan, A. Drain and R. J. Foster; in the town of Glasgow, G. W. Trabue, B. B. Crump, J. W. Ritter and Wm. Garnett; in the town of Bowling Green, A. G. Hobson, Jacob Vanmeter, C. T. Dunavan and Thomas Quigley; in the town of Munfordsville, G. T. Wood, B. L. Kerr, Lewis Barret and John Brown; in the town of Bardstown, Ben Hardin, C. A. Wickliffe, Daniel Howell and Thomas A. Riley; in the town of Elizabethtown, J. L. Helm, C. G. Wintersmith, Thos. S. Crutcher and Bryan R. Young; in the city of Louisville, James Guthrie, H. T. Curd, Hamilton Smith and James Trabue, who shall have the power to appoint three persons in the towns and cities of any of the States of these United States, to open books for a similar purpose, and to fix such days as they may think proper before the first day of June

Commissioners:

next, for opening books and receiving subscriptions for capital stock.

Sec. 3. That any three of the above named commissioners, or of such persons as may be appointed by them for that purpose, shall at each of those places named, or such as may be named and designated, open books and receive subscriptions for stock in the said Railroad Company, during the time the said books are directed to be kept open; and on each share to be subscribed shall demand and receive the sum of five dollars, without which the subscription shall be void.

Central Commission-
ers.

Sec. 4. That as soon as the time for receiving subscriptions as aforesaid shall have expired, the said commissioners shall respectively deposite all the money so received by them, in some incorporated bank, redeeming its notes in specie, in the State where the notes shall have been received, to the credit of the Nashville and Louisville Railroad Company, and shall also forward a correct list of all the subscribers to the said stock, with the number of shares each subscriber has taken, to a central commission, to be composed of the following persons: John J. White, of Gallatin, John G. Rogers, of Glasgow, C. A. Wickliffe, of Bardstown, Neill S. Brown, of Nashville, and James Guthrie, of Louisville, who, or a majority of whom, shall meet at the town of Glasgow, in the State of Kentucky, on the first Monday in November, 1850, and ascertain the whole number of shares taken in said company, and publish the same in some newspaper in the city of Nashville and in the city of Louisville, on or before the third Monday in November, 1850, and if the number of twenty thousand shares shall have been subscribed, on each of which there shall have been paid the sum of five dollars, the Nashville and Louisville railroad company shall be regarded as formed, and the said central commission, or a majority of them, shall sign and seal four duplicate declarations to that effect, with the names of all the subscribers appended, and cause one of these duplicates to be deposited in the offices of the secretaries of the States of Tennessee and Kentucky; and thenceforth, and from the day of closing the books of subscription as aforesaid, the said subscribers of the stock shall form one body politic and corporate in deed and in law, in the States aforesaid, by the name and for the purposes aforesaid.

Incorporation.

Sec. 5. That in case any of the persons forming said central commission shall not attend at Glasgow on the first Monday in November, 1850, or attending, should refuse or be unable to act, the remaining member or

members of said central commission shall forthwith fill the vacancy, and the person or persons so appointed shall constitute a part of said commission.

SEC. 6. But if on closing the books aforesaid, the number of twenty thousand shares shall not have been subscribed, then and in that case, the said central commission, by themselves or their agents, may receive subscriptions from any of the States of these United States, and also from individuals or bodies corporate, until the number of twenty thousand shares shall have been subscribed; *Provided*, the same shall be done on or before the first day of January, eighteen hundred and fifty-five; and when the said number of fifty thousand shares shall have been subscribed, the said subscription shall be closed; the subscribers shall thenceforth form a body corporate as aforesaid, and the declaration thereof shall be made, and deposited in the offices of the secretaries of State in manner aforesaid; subscriptions for stock received by the said central commission, or their agents, shall be accompanied with the certificate of some specie paying bank, in some of the said States, that an amount equal to five dollars on each share subscribed, has been deposited by the subscribers to the credit of the said company.

SEC. 7. If, on closing the books, on the first day of January, in the year eighteen hundred and fifty-five, the number of twenty thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him, by one or more of the commissioners who received it, endorsing on the receipt given for it a check on the bank where it has been deposited, which the bank shall be bound to pay only in case the central commission, or a majority of them, shall have published a declaration that the formation of the company has failed for want of twenty thousand shares being subscribed.

Money when refunded.

SEC. 8. The said Nashville and Louisville Railroad Company, so formed as aforesaid, shall have succession of members for ninety-nine years; may have a common seal; may sue and be sued, plead and be impleaded, in any court of law or equity, and may make all such regulations, rules and by-laws as are necessary, for the government of the corporation, or for effecting the object for which it is created, provided that such regulations, rules and by-laws shall not be repugnant to the laws and constitution of the said States or the United States, provided that notice or service of process upon the principal ostensible officer or agent of the company in the State from whose court that process emanated, shall be

General Powers.

deemed and taken to be due and lawful notice or service of process upon the company, so as to bring it before the court.

Board of Directors. SEC. 9. The affairs of said company shall be managed and directed by a board, to consist of ten directors, of whom two shall be elected from stockholders residing in the State of Tennessee, and five from the stockholders residing in the State of Kentucky, and the remaining three shall be elected from among all the stockholders, without regard to their place of residence.

SEC. 10. The President of the company shall be elected by the directors from among their own members in such manner as the regulations of the corporation may prescribe.

Election. SEC. 11. As soon as the number of twenty thousand shares shall be subscribed in the manner aforesaid, it shall be the duty of the commissioners appointed to declare the same, to appoint a time for the stockholders to meet at Glasgow, in the State of Kentucky, which they shall cause to be published in one or more newspapers published in each of the States of Tennessee and Kentucky, at which time and place the said stockholders in person, or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations; rules and by-laws as may be necessary for the government of the corporation and the transaction of its business; the persons elected directors at this meeting shall serve for such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places, where the subsequent election of directors shall be held, and such elections shall thenceforth be annually made; but if the annual elections should pass without any election of directors, the corporation shall not be thereby dissolved, but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by a by-law of said corporation.

Vacancies. SEC. 12. The board of directors may fill all vacancies which may occur in it during the period for which the board may have been elected, and in the absence of the President may fill his place by electing one of their body a President *pro tempore*.

SEC. 13. All contracts and agreements authenticated by the president of the board, shall be binding on the company without seal, or such other mode of authentication may be used as the company by their by-laws may adopt.

SEC. 14. The board of directors shall not exceed in their contracts the amount of the capital of the corpo-

ration, and the funds which the company may have borrowed and placed at the disposal of the board; and in case they should do so, the president and directors who may be present, and making such contract or contracts so exceeding the amount aforesaid, shall be jointly and severally liable for the excess both to the contractor or contractors and the corporation; *Provided*, That any one may discharge himself from such liabilities by voting against such contract or contracts, and causing such vote to be recorded on the minutes of the board, and giving notice thereof to the next general meeting of the stockholders.

Contracts not ex-
ceed funds.

SEC. 15. The company shall have power and may proceed to construct, as speedily as their means will permit, Railroads with one or more tracks, to be used with steam, animal or other power, which will pass through the State of Tennessee or Kentucky, so as to form continuous lines of said road between the cities of Nashville and Louisville, and the lines of said road shall be established by the board of directors, subject to the control of the stockholders, at a general meeting: the said company may use any section of the Railroad by them to be constructed, before the whole shall be completed, subject to the rates hereinafter mentioned; *Provided*, That said contemplated road shall be so located as that in its course it shall touch at the town of Gallatin, in the State of Tennessee, in such manner as to afford to said town all the benefits of which the road is capable, and there shall be a convenient and suitable depot established at some proper place in said town of Gallatin by the company, adequate to the business, commerce and trade of said town.

To touch at Gal-
latin.

SEC. 16. The said companies may, by the consent of the Legislatures of Tennessee and Kentucky, construct branches of their road; *Provided*, Said branches shall not conflict with any chartered rights, existing at the time of their construction, and provided that they shall be attended with no exclusive privileges, except the exclusive right of transportation of goods, wares, merchandise, produce and persons thereon, subject to the rates hereinafter mentioned; and provided also that nothing in this act shall prevent the State through which any part of the said road or its branches may pass, from establishing rights of way across such main road or branches.

Branches Regd.

SEC. 17. That the said company shall have the exclusive right of transportation or conveyance of persons, goods, wares, merchandise, and produce, over the said Railroad and its branches, by them to be constructed;

Rates of freight.

Provided, That the charge for transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement, for every hundred miles, and five cents a mile for every passenger; and provided, also, that the said company may when they see fit, farm out their rights of transportation on the said road, or any of its branches, subject to the rates above mentioned.

Common carriers. SEC. 18. The said company, and every person who may have received from them the right of transportation of goods, wares, merchandise and produce, over said road, shall be deemed and taken to be common carriers, as respects all goods, wares, merchandise and produce entrusted to them for transportation.

Calls of stock. SEC. 19. The board of directors may call for the payment of ninety-five dollars on each share of the stock, in sums not exceeding five dollars, in every sixty days, except after eighty dollars have been paid on each share; the remaining twenty dollars may be called for, in two instalments, which shall be at least sixty days apart, or the payments may be called for in smaller sums and at more distant periods; the call for each instalment shall be advertised in one or more newspapers in Nashville and Louisville, and at such other places as may be directed by the rules of the company, at least one month before the time the same is to be paid, according to the rules of the company; any of the instalments, so called for as aforesaid, shall induce a forfeiture of the share or shares, on which default shall be so made and all payments thereon; and the same shall vest in and belong to the company, and may be restored to the owners by the board of directors, if they deem proper, on the payment of all arrears on such shares, and legal interest thereon, or the directors may sue the stockholders for their instalments due, at their discretion.

SEC. 20. The stock in said company may be transferred in such manner and form as may be directed by the by-laws of the company.

Capital may be increased. SEC. 21. The said company may at any time increase the capital of said company to a sum sufficient to complete the said road or its branches, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, on the mortgage of its charter and works, and the manner in which the same shall be done

in either case shall be prescribed by the stockholders at a general meeting.

SEC. 22. The board shall once in every year at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener, if directed by a by-law, and shall have power to call a general meeting of the stockholders, when the board may deem it expedient, and the company may provide in their by laws for occasional meetings being called, and prescribe the mode thereof; and the company may provide, by a by-law, for the votes of stockholders, for directors being taken at more than one place, as also, for taking their votes on any question relative to the repeal, alteration or amendment of, or addition to, any of the rules, regulations, or by-laws of the company, proposed by the general board of directors.

Board to make annual report.

SEC. 23. It shall be lawful for the said company from time to time, to vest so much or such part of their capital or their profits, as may not be required for immediate use, until it may be so required, in the public stocks of either of the States of Tennessee or Kentucky, or of any incorporated banks in the said States, provided the same so invested shall at no one time exceed one million and a half of dollars.

Funds may be invested in stocks

SEC. 24. No person but a citizen of the United States, and being a bona fide stockholder, in his own right, of at least twenty shares, which he shall have held at least three months previous to his election, (except at the first election) shall be president, or a director of the general board; nor shall any stockholder vote, in person or by proxy, at any general or other election (except the first,) who shall not have held in his own right the share on which he offers to vote, at least three months previous to such election.

SEC. 25. The stockholders may provide by a by-law as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for transacting business at any regular or occasional meeting of stockholders or directors.

SEC. 26. No member of the board of directors or officers, or agent, or servant of the company, shall be directly or indirectly interested in any contract for work, nor shall any director vote on the passing of any bill for materials in which he is directly or indirectly concerned, nor shall any director, officer, agent or servant of said company, be interested directly or indirectly in the purchase of lands, buildings or other property immediately on the line of said road or any of the branch-

es thereof, without first having offered to the board of directors, in writing, the right of pre-emption, to alter any part of such lands, buildings or other property, which the said board may think proper to purchase for the use of the company, and every director, officer, agent or servant, violating this provision, may be removed from the board, his office, or employment, by vote of the directors; and every purchase, made in violation of this section, shall inure to the benefit of the company, if the board of directors choose to avail themselves thereof.

SEC. 27. Any stockholder in the company may vote by proxy, who must be a resident citizen of the United States, and before he votes, he may be required by a stockholder to swear, that to his belief the stock bona fide belongs to the person whom he represents; before any stockholder votes in his own right or for any estate, he may be required by any stockholder to swear that he is the bona fide owner of the said stock in his own right, or as the legal representative of the testator or intestate whom he represents, and that no person but himself or the estate, is directly or indirectly interested therein to his belief; any State holding stock may vote by such person as the Legislature or Governor thereof may appoint, or as may be appointed in any other way pursuant to the laws of the State made for that purpose.

Scale of Voting.

SEC. 28. That in voting in the election of directors, and in voting on all questions, which may come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the votes shall be taken according to the following scale; the owner of one or two shares shall be entitled to one vote; the owner of not less than three and not more than four shares, shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three votes; the owner of not less than seven nor more than eight shares, to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares, to six votes; the owner of not less than sixteen nor more than twenty shares, to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four nor more than forty shares, to ten votes; and the owner of every ten shares above forty, shall be entitled therefor to one vote; *Provided*, That

no individual, corporation, or State holding stock in said company, shall be entitled to more than two hundred votes, and one vote for every fifty shares over three thousand shares; any person being a subscriber or stockholder, who may offer to vote as a proxy, may be required by any subscriber or stockholder to swear that he has no interest, directly or indirectly, in the stock on which he offers to vote as proxy; a trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestui-que-trust* holds other shares either in his own name, or in the name of another trustee, but the *cestui-que-trust* may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid.

SEC. 29. The said company may purchase, have and hold, in fee or for a term of years, any lands, tenements or hereditaments, which may be necessary for the said road, or any branch or appurtenance thereof, or for the erection of depositories, store houses, houses for the officers, servants, or agents of the company, or for workshops, or for foundries, to be used for the said company, or for procuring timber, stone or other materials necessary to the construction of the road, its branches, or apparatus, or for effecting transportation thereon, and for no other purpose whatever.

SEC. 30. The said company shall have the right, when necessary, to conduct the said Railroad or any branch thereof, across or along any public road or water course, provided that the said road, and the navigation of such water course, shall not be thereby obstructed.

SEC. 31. The said company may purchase, have and hold any bridge or turnpike road, over which it may be necessary to carry the said Railroad; and when such purchase is made to hold the said bridge or turnpike road, on the same terms and with all the rights which belong to the individual or individuals, or corporation, from which such purchase may be made, provided that the said company shall not obstruct any public road without constructing another as convenient as may be.

SEC. 32. That where any lands or right of way may be required by the said company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners or a majority of them, to be appointed by the circuit court of the county where some part of the land or right of way is situated; and the said com-

May hold Real Estate.

May purchase Bridge or town-ship road.

Damages.

missioners, before they act, shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation the commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land being taken, or the right of way surrendered; and also the benefit and advantage he, she or they may receive from the erection or establishment of the Railroad or works, and shall state particularly the nature and amount of each, and excess of loss and damage over and above the benefit and advantage; shall form the measure of damage or valuation of the said land or right of way; the proceedings of the said commissioners, accompanied with a full description of the land or right of way, shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission issued, there to remain of record; in case either party to the proceedings shall appeal from the said valuation to the next session of the court, granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made, by a jury who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted, and the parties shall have the right of appeal to the Supreme Court or Court of Appeals; the party appealing shall be governed in all respects by the laws regulating appeals in the State where said case or cases may be tried, and the lands or right of way so valued by the commissioners or jury, shall vest in the said company in fee simple, so soon as the valuation may be paid, or when refused, may be tendered; when there shall be an appeal as aforesaid from the valuation of the commissioners, by either of the parties, the same shall not prevent the work, intended to be constructed, from proceeding; but where the appeal is made by the company, requiring the surrender, they shall be at liberty to proceed in their work, only on condition of giving the opposite party a bond, with good security, to be approved of by the clerk of the court where the valuation is returned, in a penalty equal to double the valuation, conditioned for the payment of the said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court.

Sec. 33. In the absence of any contract or contracts

with the said company, in relation to lands through which the said Road or its branches may pass, Title presumed. signed by the owner thereof, or by his agent, or any claimant in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the road or any part of its branches, may be constructed together with a space of one hundred feet on each side of the center of said road, has been granted to the company by the owner or owners thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same, to be used only for the purposes of the said road and no longer, unless the person or persons owning the said land, at the time that part of the said road, which may be on the said land, was finally surveyed and located, or those claiming under him, her, or them, shall apply for an assessment of the value of said land as hereinbefore directed, within one year after that part of said road was finally surveyed and located, and he, she or they notified thereof in writing; and in case the said owner or owners, or those claiming under him, her or them, shall not apply for such assessment within one year, after the said part was finally surveyed and located, and he, she or they notified thereof as aforesaid, he, she or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor; *Provided*, That nothing herein contained shall affect the rights of *femes covert* or infants, until two years after the removal of their respective disabilities.

SEC. 34. All lands not heretofore granted to any person, not appropriated by law to the use of the State, within one hundred feet of the center of said road, or its branches, which may be constructed by the said company, shall vest in the company as soon as the line is definitely laid out through it, and any grant thereafter shall be void.

SEC. 35. That if any person or persons shall intrude upon the said Railroad or any branch thereof, or part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she, or they shall forthwith forfeit to the said company all the vehicles that may be so intruded on the said road, and the same may be recovered by suit at law, and the person or persons so intruding may also be indicted for a misdemeanor, and upon conviction fined and imprisoned by any court of competent jurisdiction. Penalty for intrusion.

SEC. 36. If any person shall wilfully or maliciously

Penalty for injuring road.

destroy, or in any manner hurt, damage or obstruct, or shall wilfully and maliciously cause, or aid, or assist, or counsel and advise any other person or persons, to destroy, or in any manner to hurt, damage, injure or obstruct the said Railroad or any branch thereof, or any bridge or vehicle used for or in the transportation thereof; such person or persons, so offending, shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six, nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty dollars, at the discretion of the court, before which such conviction shall take place, and shall further be liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading or giving in evidence that he was owner or agent, or servant of the owner of the land where such destruction, hurt, damage, injury, or obstruction was done or caused at the time the same was caused or done.

Obstructions.

Sec. 37. Every obstruction to the safe and free passage of vehicles on said road or its branches, shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of the company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

Storage.

Sec. 38. The said company shall have the right to take at the store-houses they may establish on, or annexed to their Railroad or the branches thereof, all goods, wares, merchandise and produce intended for transportation; prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage, as they by rules may establish, which they shall cause to be published, or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation; *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

Profits.

Sec. 39. The profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

Dividends taxable.

when

Sec. 40. That the capital stock in the said company, the dividends thereon, and the roads and fixtures, depots, workshops, warehouses, and vehicles of transportation,

belonging to the said company, shall be forever exempt from taxation in each and every of the said States of Tennessee and Kentucky, and it shall not be lawful for either of the said States, or any corporate or municipal police, or other authority thereof, or of any town, city, county or district thereof, to impose any tax on such stock or dividends, property or estate: *Provided*, The stock or dividends, when the said dividends shall exceed the legal interest of the State, may be subject to taxation by the State in common with and at the same rate as money at interest, or interest thereon, and when the State shall impose a tax on the dividends declared in favor of the stockholders of the company, the tax shall extend only to such proportion of the said dividends and capital stock, as the part of the road in that State shall bear to the whole road, from the profits of which the said dividends have arisen, which tax, when imposed shall be retained by the company out of said dividends, and paid to the State; but no tax shall be imposed, so as to reduce the part of the dividends to be received by the stockholders, below the legal interest of the State.

SEC. 41. The following officers and persons in the actual service of the said company, be and they are hereby exempt from the performance of jury and ordinary militia duty, viz: The president of the board of directors, the chief and assistant engineers, the secretaries, auditors, and accountants of the board, keepers of the depositories, guards stationed on the road to protect it from injury, not exceeding one man to every five miles, and such persons as may be working the locomotive engines, and travelling with cars for the purpose of attending to transportation of goods or passengers on the road, not exceeding one engineer and his assistant, and the necessary firemen to each locomotive engine, and one person to each passenger car and every five cars for transporting goods, &c.

Officers exempt
from militia
and jury duty.

SEC. 42. That the said company is hereby expressly prohibited from carrying on any banking operations, and from effecting any insurance on lives or property, except on goods transported on said Railroad or its branches, or in the company's custody, for or in consequence of such transportation.

Banking prohibited.

SEC. 43. And the said company shall be entitled only to such powers and privileges, as shall be granted to it, by all the Legislatures incorporating it, and the powers necessary and proper to give them effect, and shall be subject to all the restrictions and disabilities which may be imposed on it by either of the said Legislatures, by the act of incorporation; so that its powers, privileges and

disabilities may be similar in all the States of Tennessee and Kentucky.

SEC. 44. Any individual, or individuals, bodies corporate or States, may construct branches to unite with the main road from Nashville to Louisville, or any branch thereof, with the permission of the Legislature of the State where such branches may be situated, and by and with the written assent of the president and directors of said railroad company; and it shall be the duty of the said company, when required, to receive on their road and its branches, the fully loaded freight cars from such branches so to be united with them, and to transport the same to their point of destination, and to return them, if required, without charging the loads thereon, or charging for the transportation of the goods, wares, merchandise and produce thereon, any greater rate of freight than they charge for similar goods, wares, merchandise and produce in their own cars: *Provided*, That the company shall not be compelled to receive any such cars on their road or branches, unless they are constructed in the same manner, and of equal strength with their own cars, of which the engineers of that section of the main road shall be the judge: *And provided*, That the company shall not be compelled to receive any car from such branches, without receiving payment for at least twenty miles transportation: *And provided also*, That the said company shall be entitled, in all respects, to similar and equal privileges, on any branches constructed to unite with their road, or branches subject to the same restraints.

SEC. 45. The said company shall begin the construction of said road within five years from the first day of June, one thousand, eight hundred and fifty, and complete the main road from the termination at Louisville to Nashville, in fifteen years from and after the passage of this act.

SEC. 46. When the road shall be completed from the termination at Louisville to Nashville, it shall be the duty of the company to keep all parts thereof, in a state for regular transportation, on the whole length thereof, and in case the said rail road shall be out of repair, or so injured in any part, as to interrupt the transportation thereon, it shall be the duty of the company, with due expedition, to repair the same; and in case the company should neglect, unreasonably, so to do, it shall be lawful for a judge of the court of last resort, having general chancery powers in the State, where such repair is required, at chambers, after due notice to the company, to make an order that no charge shall be made for transportation of goods, wares, merchandise or produce, on any

When road out of repair.

part of said road, within twenty-five miles of said interruption, which order shall not release the company from their obligation to transport on all parts of the road which may be in repair: *Provided*, That no such order shall be made when it shall appear to the judge, that the company used due diligence, to make the said repair, or that the part injured is incapable of being restored, or that no other line of road, or another mode of conveyance may be beneficially to the public substituted in place of the part injured or out of repair, which order of the judge shall be continued in force, only until the expiration of ten days after the next meeting of the court of last resort, of which the said judge shall be a member, unless the same shall be confirmed by the said court; and any judge of the said court at chambers, may repeal such original or confirmed order, on evidence that the injury is repaired, or the substitute provided, and transportation is resumed on the part of the road embraced in said order.

SEC. 47. That the said president and directors, or a majority of them, may appoint all such officers, agents, engineers and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they or a majority of them shall have power to fix and determine by contract the compensation of all the engineers, officers, agents, servants, and others, in the employment of the said company, and to regulate by their by-laws, the manner of adjusting and settling all accounts in favor or against the company; that they or a majority of them shall have power to erect buildings and depots, for the storage and safe keeping of articles entrusted to or with them, for transportation, and for workshops, offices and other purposes necessary for the business, or for the safe keeping of the locomotives, cars and other property of the company; and they or a majority, shall have power to direct the manner and by what evidence the stock in said company may be transferred.

SEC. 48. The president and directors, or a majority of them, shall have power to cause such examinations and surveys to be made for the route of such railroad and branches, as may be necessary to the selection by them, of the most advantageous line, route, course or way for said railroad, and shall, as soon thereafter as practicable, select and determine the route on which said railroad shall be constructed, and locate the same.

SEC. 49. That said corporation shall have power and authority, to borrow not exceeding two millions of dollars, at an interest not exceeding seven per cent. per an-

Board may make surveys.

May borrow money

num, and to pledge and mortgage the road or any other property, or any part thereof, belonging to the company, to secure the payment of the money so borrowed, and may issue bonds, or certificates of stock therefor, but no bond, certificate of stock, or notes shall be issued to circulate as bank notes.

Charter amended. SEC. 50. This charter shall, from time to time, be amended by the Legislatures of the States of Tennessee and Kentucky, whenever the president and directors shall unanimously petition for amendments, specifying in the petition, the nature of the amendments, and when such amendments shall be adopted by the Legislatures of the States of Tennessee and Kentucky, and submitted to the directory, and be accepted and adopted unanimously, by the president and directors, they shall be obligatory on the stockholders, and not otherwise.

SEC. 51. That this act shall become a law, whenever the State of Kentucky may enact the same for the same purpose, with such modifications and amendments as they may deem right, not inconsistent with the provisions hereof: *Provided, however,* That if the said State of Kentucky, should not enact or co-operate in this charter during the present year, when the same is enacted, the time shall be allowed thereafter, as is now allowed to do and perform certain things required by the provisions of this act.

LANDON C. HAYNES,

Speaker of the House of Representatives
JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER LXXVII.

An Act to reduce the expense of laying off widows' dowers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the quarterly and quorum county courts shall have concurrent jurisdiction with the circuit and chancery courts, in applications for laying off widows' dowers.

SEC. 2. That it shall and may be lawful for any widow having any claim to dower, to make application, verbally or in writing, to any one of the said courts, in the county

where the husband of said widow last resided before his death, for the appointment of two freeholders of said county, unconnected by affinity or consanguinity, with those interested in the estate of said deceased; which said freeholders, in connection with the county surveyor or his deputy, shall, as commissioners, allot and set off to said widow, her dower, according to law, under the same rules, regulations and restrictions, as dower has heretofore been assigned: *Provided*, If said surveyor be connected with any of the parties interested, either by affinity or consanguinity, the court shall appoint some other competent surveyor in the room and stead of said county surveyor.

SEC. 3. That before making said application, the widow shall give to the executor or administrator, if one has been appointed, and the legatees or heirs, who may reside in this State, five days' notice in writing, of her intended application; and if there be minors interested, their guardians shall be notified, and if a guardian or guardians, have not been appointed for said minor or minors, the court shall be deemed and held the guardian *ad litem* for said minor or minors.

Administrator,
Executor, Guardian and Legatees to have notice.

SEC. 4. That it shall not be necessary to give notice to non-residents by publication in a newspaper or otherwise; but such non-resident interested in the estate of said deceased, shall have three years from the date of such application for dower, within which he, she, or they, who may deem him, her or themselves aggrieved by the proceedings, to move for a rehearing of said cause; and the costs on such application for a rehearing, shall be taxed as may be deemed just by the court: *Provided*, Said applicant or applicants for a rehearing, shall give to the other parties interested, the same notice as is provided to be given by the widow upon her application.

SEC. 5. That the notice, herein provided for, may be acknowledged by the parties, or may be served by a sheriff, his deputy, or a constable; and the return of a copy of such notice, with the acknowledgment of the party, or parties or the return of a sheriff, deputy sheriff, or constable, properly endorsed, shall be sufficient evidence of notice; or said notice may be served by any other person, and the affidavit of such person made of the fact, before the clerk, out of term time, or in open court in term time, and endorsed on the back of such copy of notice, shall be sufficient evidence of notice.

Src. 6. That the clerk of the court shall, within forty days after the adjournment of the court, deliver to said county surveyor or such person as may be appointed in his room and stead, a copy of the order or decree; and

thereupon, said surveyor, or other person appointed in his room and stead, shall notify said other two commissioners, of the time and place he may think proper to designate, for the discharge of their duty; said commissioners shall, before entering upon the discharge of their duties, go before some judge or justice of the peace, and take an oath for the faithful and true performance of their duties as such commissioners.

SEC. 7. That said commissioners shall, in their report, exhibit a plat of said dower, and also plainly set forth the same by metes and bounds; which said report the clerk of the court shall spread upon the records of the court, if the same is confirmed by the court.

SEC. 8. That the following fees and compensation be ^{Fees.} allowed for the services herein provided for, viz: For the service of each notice, twenty-five cents; to the clerk, for the order or decree, twenty-five cents; for a copy of the same to be delivered to the surveyor, twenty-five cents; for recording the report of the commissioners, fifty cents; to each of the two commissioners, one dollar; to the surveyor acting as commissioner, two dollars, where the land out of which the dower is taken, shall not exceed three hundred acres, and for every hundred acres exceeding that quantity, fifty cents; provided, it does not exceed one thousand acres, and for every hundred acres above one thousand and under two thousand acres, thirty cents; and for each hundred acres above two thousand acres, twenty cents; said surveyor shall also be allowed five cents for each mile the lands may be distant from the court house of his county.

SEC. 9. That should any of the lands, of which the applicant may be entitled to be endowed, lie out of the county where the application is made, the commissioners, if so directed by the order of the court, shall take such lands into the estimate, and be allowed four cents per mile for each mile they may necessarily travel, in going to and returning from said lands.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 17, 1849.

CHAPTER LXXVIII.

An Act to incorporate the Sycamore Mills Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Incorporation.} *State of Tennessee,* That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body politic and corporate, by the name of the Sycamore Mills Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers, appertaining to bodies politic and corporate by law, for the space of ninety-nine years, and shall have succession.

SEC. 2. The capital stock of said Company shall be ^{Capital Stock.} thirty thousand dollars, with the privilege of increasing the same to fifty thousand dollars, should it be deemed necessary to the completion of the road; said capital stock to be divided into shares of twenty-five dollars each.

SEC. 3. The following persons shall be commission- ^{Commissioners.} ers to open books and receive subscriptions of stock; viz: Joseph Hudson, Thomas W. Shearon, Saml. Watson, Walter Scott, Zachary Durham. The said Commissioners shall give twenty days notice of the time and place of opening books, and so soon as two thousand dollars shall be subscribed, they shall call a meeting of all the Stockholders by public notice, which meeting shall be held at the Sycamore Mills; and at said meeting, said Stockholders, or a majority of them being present, or represented by others under powers of attorney, shall elect seven Directors, who shall be ^{Elections.} Stockholders, of whom said Directors shall choose one of their body President; and said President and Directors shall continue in office for one year, or until their successors shall be elected, which shall be done at the expiration of each year from the time of the first election, of which twenty days notice shall be given by the President. The said President and Directors shall have all the powers and perform all the duties necessary in locating the road, letting out contracts for its construction, appointing necessary officers, receiving subscriptions, and disbursing the funds of the Company, together with the general superintendence of the constructing the road, erecting gates for toll and in otherwise governing and controlling the affairs of the road.

SEC. 4. The President and Directors or any of them, ^{Vacancies.} shall be sufficient to transact the business confided to

them, and all vacancies happening in the Board between the regular meetings of the Stockholders, shall be supplied by the Directors, two thirds being present.

Route.

SEC. 5. Immediately after the election of the Directors, they or a majority of them, or such other person as they shall appoint, shall proceed to designate and mark out the route commencing at or near some point on the White's Creek or Hyde's Ferry Turnpike, running thence to Sycamore Mills, with power to continue the same to Clarksville under the authority of this act, by the most practicable route.

Style of road.

SEC. 6. The Company may grade the road twelve feet wide, without rock or gravel, or they may cover it with rock or gravel, or construct it with plank.

Gates and Tolls.

SEC. 7. That when any ten miles of the road shall be completed without rock, gravel, or plank, the Company shall be entitled to erect one gate for every ten miles so completed; and when any five miles shall be completed with rock, gravel or plank, the Company shall be entitled to erect a gate for every five miles so completed, and shall be entitled to have and collect tolls at the same rates prescribed and allowed to the White's Creek Turnpike Company.

Stock payable in work.

SEC. 8. The Stockholders shall have the privilege of paying the amount of their Stock, or any part thereof, in work upon the road in its construction, or in money to amounts as the Company shall order, and in letting out contracts for building the road, the Directors shall give a preference to the Stockholders who desire to take contracts. *Provided* such Stockholders will undertake such contracts upon as good terms as they can be let to others.

Brick Church
Turnpike Com-
pany.

SEC. 9. That Michael H. Gleaves, Daniel P. Lanier, Wm. H. Clemons, W. G. Lanier, Joseph Hyde, David B. Love, Maxwell Redden, and Jefferson Waggoner, be and they are hereby constituted a body politic and corporate, by the name and style of the Brick Church Turnpike Company, and by that name may sue and be sued, plead and be impleaded, have a common seal and succession for ninety-nine years.

Capital Stock.

SEC. 10. The capital stock of said Company shall be five thousand dollars, which may be increased to twenty thousand dollars, to be divided into shares of twenty-five dollars each, to be applied in the construction of a McAdamized or graveled Turnpike road, beginning at a point on the White's Creek Turnpike road on or near the line between Handy's and the Talbott's tracts of land, about one mile and a half north of Nashville, and running nearly due north, between the

Route.

lands of Messrs. Harberson and Bransford, or near said line through the lands of William Lanier, between Parker's and Patterson's tract, so as to strike the road between Joseph Hyde and Michael Gleaves, passing the Brick Church and thence the most practicable route by Waggoner's Mill towards Woodard's Camp Ground, with such digressions as may be necessary and proper.

SEC. 11. Any five of said Company shall have power Rights and privileges. to locate said road to open books for the subscription of stock, either in work or money, and the said Company shall have all the rights, privileges and immunities granted to the Sycamore Mills Turnpike Company, to which this is appended, and shall be subject to all the laws governing the same, except so much thereof as may be inconsistent with the provisions of this amendment.

SEC. 12. That all persons, who shall become Stockholders pursuant to this act, shall be and they are hereby constituted a body politic and corporate, by the name of the River Road Turnpike Company, and by that name they may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate, by law, for the space of ninety-nine years, and shall have succession. River road turnpike company.

SEC. 13. The Company hereby incorporated by the name of the River Road Turnpike Company, shall have all the powers, rights, privileges and immunities, and be subject to all the liabilities of the Company incorporated by this act by the name of the Sycamore Mills Turnpike Company, and the foregoing provisions of his act, incorporating the Sycamore Mills Turnpike Company, are adopted as the charter of the River Road Turnpike Company, except so far as altered by this act. Powers and privileges.

SEC. 14. The capital Stock of said Company shall be two thousand dollars, with power to increase the same, and the road hereby incorporated shall commence at the point of intersection of the road leading from Port Royal to Clarksville, with the Clarksville and Russellville Turnpike Road at Simmon's Race track, and shall terminate at Port Royal. Capital stock. Route.

SEC. 15. For every five miles of Road constructed by said Company, commencing at the point of intersection aforesaid, which shall be graded and paved with stone or gravel or planked, the said Company shall be allowed to erect a gate and charge the same tolls that are allowed to the Clarksville and Russellville Turnpike Company. Gates and tolls.

Commissioners. SEC. 16. George Smith, S. Warden, Joseph Lyon, George H. Johnson, James Dayne, are hereby appointed Commissioners to open books for subscription of Stock, in shares of fifty dollars, at the town of Port Royal and such other places as they may deem proper, and the above named Commissioners may appoint sub-agents as they may think proper, to assist them in receiving subscriptions to Stock.

Nashville, Murfreesborough and Shelbyville turnpike company. SEC. 17. That the Nashville, Murfreesboro and Shelbyville Turnpike Company be and it is hereby authorized to change the location of their road as follows: Beginning at a point on said road at or near Mrs. Collier's—running to a point on or near the dividing line between the two tracts of land owned by V. D. Cowan, thence to and with the line between the lands of Allen James and the late David Dickinson, to the Eastern end of Dickinson's field, thence Northward to the present line of said road so as to intersect it about four hundred yards North-west of the turnpike bridge across the West fork of Stones River.

Former location of gates legalized. SEC. 18. That said Company is hereby authorized to remove the turnpike gate at the above mentioned point on said road, to such place within a reasonable distance of its present location as may be deemed expedient and proper.

SEC. 19. That the several removals of gates on said road heretofore made, be and the same are hereby declared to be lawful, and the said Company are authorized to keep said gates at their present location.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 28th, 1850.

CHAPTER LXXIX.

An Act to change the line between the counties of Grundy and Warren, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William Kelton, Wilson S. Kelton, Ely Hanby, and Jacob Wagoner, be and they are hereby detached from the county of Grundy, and attached to the county of Warren, with their lands and

tenements, with all the rights and privileges of other citizens of the county of Warren.

SEC. 2. *Be it further enacted*, That the line of Coffee and Grundy be and is so altered as to include the lands of William C. Williamson, in the county of Coffee.^{dy.}

SEC. 3. *Be it further enacted*, That the act passed at the last session of the General Assembly, incorporating the town of New Providence, in the county of Montgomery, be so amended that the boundaries thereof be as follows, to wit: Beginning at the mouth of the Tan Yard branch near Trice's landing, and running north near the residence of N. F. Trice, leaving said Trice west of the line, and thence in a straight line to the south-west corner of James Trice's tract of land on which he now lives, thence north with said Trice's line, to the north boundary of the corporation.^{Limits of New Providence.}

SEC. 4. *Be it further enacted*, That the county line between the counties of Warren and Grundy be so changed and altered as to include the lands of Elizabeth Tate, wife of the late James Tate, dec'd, Peter Countis, and Jacob Warmamaker, in Grundy county, with all the rights and privileges of other citizens of the county of Grundy, thence to the line known as Robert's line, and the said line is hereby established between the counties of Warren and Grundy.^{Warren and Grundy.}

SEC. 5. *Be it further enacted*, That Thomas Johnson be, and he is hereby attached to the county of Grundy.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 2, 1850.

CHAPTER LXXX.

An Act to alter the line between the counties of Jackson and Smith.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Jackson and Smith be, and the same is hereby so altered, that from the point where said line now crosses Hurricane creek, the same shall run with said creek, to Cumberland river, thence with said river northward-

ly, to where said county line crosses said river, and from thence north as the line now runs.

Sullivan county—
seat of justice.

SEC. 2. That William Blevins, Esq., Dr. M. A. W. Willoughby, George Hannah, Roly P. Chase, James G. Eames, John Thomas, Jacob Crumly, and William Jones, are hereby appointed Commissioners for Sullivan county, and said Commissioners or a majority of them, are authorized to select and designate by actual survey of said county, or otherwise, some eligible site on which to locate the seat of Justice for said county. And when said site is so selected, it shall be the duty of said Commissioners to give notice to the Sheriff of said county, of the site so selected. And said Sheriff, on being so notified, shall proceed to hold an election at each civil district in said county, first giving at least twenty days notice, at three or more public places in each civil district of said county; at which election the citizens of said county are required to vote for or against the removal from the present seat of Justice, to the site so selected. And the Sheriff of said county, is hereby required to hold said election, and to report the result thereof to the Commissioners aforesaid.

SEC. 3. That if a majority of the qualified voters of said county shall vote in favor of the new site, so selected, the Commissioners or a majority of the same, mentioned in the foregoing section of this act, are hereby fully empowered, and authorized; and invested with power to carry into effect this act as hereafter directed.

May lay off town.

SEC. 4. That it shall be the duty of the Commissioners aforesaid, to procure by purchase or otherwise, a deed of conveyance with covenants of general warranty, for a sufficient tract of land, at the site so selected, made to themselves, and successors, and assigns, and shall cause said town to be laid off, with as many streets and alleys as they shall deem sufficient, with a suitable square for the erection of public buildings, and said Commissioners may reserve such lots as they may deem advisable for the purpose of erecting a Jail, Literary Institutions, or Churches on them.

May sell lots.

SEC. 5. That the Commissioners aforesaid, shall sell the lots in said town, on a credit of twelve months, first giving thirty days notice of said sale in some newspaper published in East Tennessee, and shall take bond with security from the purchaser or purchasers, of said lots, payable to themselves and their successors in office, and shall make a title in fee simple as

Commissioners, to the respective purchasers of said lots, retaining a lien thereon until the payment of the purchase money is made.

SEC. 6. That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said Commissioners, for the defraying the expenses incurred in the purchase of said tract of land on which said town is situated, and for defraying the expenses of erecting the necessary public buildings, and all the expenses incident to the execution of the several duties hereby imposed on said Commissioners.

SEC. 7. That it shall be the duty of said Commissioners, to superintend the erection of such public buildings as the county court of said county shall and may direct to be built, and shall let the same out on the most advantageous terms, and take bonds from the undertaker with ample penalties, and sufficient securities, payable to themselves and their successors, conditioned for the faithful performance of his or their contract. Public Buildings

SEC. 8. That said Commissioners, after said site is selected as aforesaid, and before advertising and selling said lots, shall enter into bond with good and sufficient security, payable to the chairman of the county court, and his successors in office, conditioned faithfully and truly to perform all the duties herein assigned to them, and truly to apply, pay over, and account for all monies which shall and may come to their hands, as shall and may be directed by the county court of said county. Commissioners to give security.

SEC. 9. That said Commissioners, hereby appointed, before entering upon the duties assigned them by this act, shall take an oath to faithfully and impartially discharge the same, and shall have such compensation for their services as may be allowed by the county court, a majority of the Justices being present and voting for such compensation. Shall take oath.

SEC. 10. That said town shall be designated and known by the name that a majority of the commissioners may choose to call it, and that when the public buildings are erected and completed, notice thereof shall be given by the chairman of the county court, in some newspaper published in East Tennessee, and immediately on such publication being made, it shall be the duty of all officers required by law, to hold their offices at the court-house, immediately to remove the same with all documents and archives thereto belonging, to said new court-house, at which, thereafter, all courts now directed by law to be held at the present Removal of records.

seat of Justice, shall be held at the new court-house in said town.

SEC. 11. That the line of the counties of Monroe and McMinn, be so altered as to include the plantation of Samuel M. Johnston, now in the county of McMinn, and known as Miller's reservation tract, in the county of Monroe.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed January 17, 1850.

CHAPTER LXXXI.

An Act to incorporate the Proprietors of Gray Cemetery, in Knox county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William B. Reese, Marcus D. Beardin, James C. Moses, James M. Welcker, Joseph L. King, John H. Crozier, and Perez Dickinson, together with such other persons as may hereafter become proprietors of lots in Gray Cemetery, in the county of Knox, and who shall in writing signify their assent to this act, their successors and assigns be, and they are hereby created a corporation by the name of "the Proprietors of Gray Cemetery."

SEC. 2. That said corporation may take and hold in fee simple either by purchase, gift, devise or otherwise, any real estate, not exceeding ten thousand dollars worth, to be by the Proprietors of the Cemetery aforesaid, dedicated and appropriated for a rural cemetery, or burying ground, and for the erection of tombs, cenotaphs, or other monuments for, or in memory of the dead; and for this purpose to lay out the same, or any part thereof, in suitable lots or other subdivisions for family and other burying places; and to plant and embellish the same with shrubbery, flowers, trees, walks, and other rural ornaments; and to enclose and divide the same with proper walls and enclosures, and to make and annex thereto other suitable appendages and conveniences, as the Proprietors shall from time to time deem expedient. And whenever the said corporation shall so lay out and appropriate any of their real estate for a cemetery or burying ground as afore-

said, the same shall be deemed a perpetual dedication thereof for the purposes aforesaid; and the real estate so dedicated shall be forever held by the said corporation in trust for such purposes and for none other. And the said corporation shall have authority to grant and convey to any person or persons, the sole and exclusive right of burial, and of erecting tombs, cenotaphs, and other monuments, in any such designated lots and subdivisions, upon such terms and conditions, and subject to such regulations as the said corporation shall, by their by-laws and regulations prescribe; and every right so granted and conveyed, shall be held for the purposes aforesaid, and for none other, as real estate by the proprietor or proprietors thereof, and shall not be subject to attachment or execution.

SEC. 3. That in addition to the powers herein enumerated, said corporation shall have and enjoy all the powers usually conferred on corporations in this State; to sue and be sued, plead and be impleaded, and, if they see proper, to use a common seal, and the same to alter, break, or renew at pleasure, or may provide by a by-law, by any other mode they may see proper, instead of using a common seal, to give expression to the acts or contracts of the corporation. Additional powers.

SEC. 4. That the officers of said corporation shall consist of not less than seven, or more than twelve Trustees, a Treasurer, Secretary and such other officers as they may direct. The Trustees shall be elected every two years, and shall hold their offices until others are chosen. And they shall choose one of their number President, who shall be also President of the corporation, and they shall also choose the Secretary and Treasurer, either from their own body or at large; and the said Trustees shall have the general management, superintendence, and care of the property, expenditures, business, and prudential concerns of the corporation, and of the sales of lots in the said Cemetery, and they shall make a report of their doings to the corporation, at their annual meeting. The Treasurer shall give bond for the faithful discharge of the duties of his office, and shall have the superintendence and management of the fiscal concerns of the corporation, subject to the revision and control of the Trustees to whom he shall make an annual report, which shall be laid before the corporation at their annual meeting. And the Secretary shall be under oath for the faithful performance of the duties of his office, and shall record the transactions at all meetings of the corporation and of the Trustees. Officers and their duties.

Meetings and
Quorums.

SEC. 5. That the annual meetings of said corporation shall be holden at such time and place as the by-laws shall direct, and the Secretary shall give notice thereof, in one or more newspapers printed in Knoxville, seven days at least before the time of meeting; and special meetings may be called by the Trustees in the same manner, unless otherwise directed by the by-laws, or by the Secretary in the same manner, upon the written request of twenty members of the corporation. At all meetings of the Trustees, a majority shall constitute a quorum for business; at meetings of the corporation, twelve members shall constitute a quorum for business, and all questions shall be decided by a majority of the members present, and voting either in person or by proxy.

Succession
of membership.

SEC. 6. That the lots in said Cemetery shall be indivisible, and upon the death of any proprietor of any lot in the said Cemetery, the devisee of such lot, or the heir at law, as the case may be, shall be entitled to all the privileges of membership, as aforesaid; and if there be more than one devisee or heir at law, the Board of Trustees for the time being, shall designate which of the said devisees or heirs at law, shall represent the said lot, and vote in the meetings of the corporation, which designation shall continue in force until by death, removal or other sufficient cause, another designation shall become necessary; and in making such designation, the Trustees shall, as far as they conveniently may, give the preference to males over females, and to proximity of blood and priority of age, having due regard however to proximity of residence.

To hold by grant,
donation, or bequest.

SEC. 7. That it shall be lawful for said corporation to take and hold any grant, donation or bequest of property upon trust, to apply the income thereof under the direction of the Board of Trustees, for the improvement or embellishment of the said Cemetery, or of any buildings, structures or fences, to be erected upon the lands of said corporation, or of any individual proprietor of a lot in the cemetery, or for the repair, preservation or removal of any tomb, monument, gravestone, fence or railing, or other erection in or around any cemetery lot, or for the planting and cultivating of trees, shrubs, flowers or plants, in or around any cemetery lot, according to the terms of such grant, donation or bequest; and any court having equity jurisdiction, shall have full power and jurisdiction to compel the due performance of the said trusts, or any of them, upon a bill filed by a proprietor of any lot in the said cemetery for that purpose.

Sec. 8. That the persons named in the first section ^{Trustees:} of this act, be and they are hereby appointed Trustees of said Cemetery, until the first annual meeting of the members of said corporation, and until other Trustees are chosen in their stead; and that the said Trustees appointed by this act, shall have the power of calling the first meeting of the members of said corporation, at such time and place as they may designate, giving notice of the same, at least seven days previous to the time of meeting, in some newspaper, printed in Knoxville; at which meeting, all those who have contributed to the purchase of land for the cemetery aforesaid, shall be considered as members of this corporation. But after the sales of the lots of said cemetery, none others shall be members of this corporation but proprietors of lots who have given their assent in writing to this act.

Sec. 9. That the said cemetery shall be and hereby is declared exempted from all public taxes, so long as the same shall remain dedicated to the purposes of a cemetery.

Sec. 10. That as before stated, regular annual meetings of the members of said cemetery shall be held at such time and place, as may be designated by the by-laws, but the Trustees shall hold their offices for two years, and until others are chosen in their stead.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER LXXXII.

As Act to provide for the running and marking the dividing line between the counties of Knox and Sevier, and to amend an act entitled an act to divide the county of Jefferson into two districts counties, passed September 27th, 1794.

Whereas, it appears to this General Assembly by the petition of a number of the citizens of the counties of Knox and Sevier, that the dividing line between the said counties from the mouth of Criswell's Mill creek, to the top of Bay's mountain, or the butt thereof, has never been run as was provided for by the above recited act. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the*

Commissioners. *State of Tennessee,* That John W. Legg, county Surveyor of the county of Knox, and F. A. R. McNutt, of the county of Knox; John Mullendore, county Surveyor of the county of Sevier, and Enoch Underwood, of the county of Sevier; be, and they are hereby appointed commissioners to run and mark said line, according to the provisions of the above recited act of 1794.

Duties. SEC. 2. *Be it enacted,* That after said commissioners shall so have run and marked said dividing line, they shall make two fair plain plats or plans of survey of said line, one of which shall be by them filed with the clerk of the county court of Knox county, and the other with the clerk of the county court of Sevier county, which shall be by said clerks recorded in their respective offices, under the direction of said county courts, for which surveys so to be performed by said commissioners when the labor is done and performed, they and each of them shall be entitled to the sum of dollars each, for their services to be paid out of the county treasury.

Rhea and Hamilton county line. SEC. 3. *Be it further enacted,* That the dividing line between Rhea and Hamilton counties, shall be so altered as to commence on a Black Walnut and Hickory on the eastern fork of said creek, thence forty poles down the creek to a stake, thence north seventy-five, west to the fork of said creek, thence up said creek to the turnpike road, thence westwardly with said road to Bledsoe county line, thence with Bledsoe county line to Rhea county, so as to include Mr. John Gray and Robert Quarls, in Rhea county.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed February 4, 1850.

CHAPTER LXXXIII.

An Act to change the line between Gibson and Dyer counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Gibson and Dyer, be so changed as to include in the county of Gibson, the territory lying between the North Fork and Little North Fork of Forked Deer river, so

that the line shall run with the said forks of said river to their junction.

SEC. 2. That the citizens living in the following bounds in Carroll county, are hereby permitted to attach themselves to Weakley county, ^{Carroll and Weakley county line.} in the manner hereinafter prescribed, to wit: Beginning at the north west corner of Carroll county, running with said county line east, to a distance of two miles, thence south to the Obion river, thence down said river as it meanders to the west boundary line of said county, thence with said line to the beginning.

SEC. 3. That the county court of Carroll county, is ^{Elections.} hereby empowered to designate a suitable place in said bounds, at which to open and hold an election of the qualified voters residing in the limits of said territory, and also to appoint some suitable person, who after giving twenty days notice in writing in three places in said bounds of the time and place of holding said election, shall open and hold the same on the day, and at the place specified in said notices, opening the polls at the hour of 11 o'clock, A. M., and closing the same at the hour of 3 o'clock, P. M., and at which election all the citizens living in said territory who are qualified to vote for members of the General Assembly shall be entitled to vote, and those who are in favor of being attached to Weakley county, shall have on their ticket the word "Weakley," and those in favor of remaining in Carroll county, shall have upon their ticket the word "Carroll," and the person so appointed to hold said election, shall return a certified copy of the polls of said election to the clerks of the county courts of Weakley and Carroll counties, and which poll lists shall be filed in each of said offices, and if the voters aforesaid, shall vote to be attached to the county of Weakley, then the territory shall be taken and deemed to be a part of the county of Weakley, and the citizens therein shall be entitled to all the privileges and rights of citizens of Weakley county. *Provided*, that if the cutting off of this territory, shall reduce Carroll county below its constitutional limits, this act shall be void.

SEC. 4. That the person so appointed to open and hold said election, shall appoint three judges and two clerks of the same, and he is hereby empowered, and it is made his duty to qualify said judges and clerks, as in elections for members of the General Assembly.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

CHAPTER LXXXIV.

An Act to incorporate the Taylorsville Turnpike Company, and also the Blountsville, Elberton and Cranbury Iron Works Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Green Moore, Alfred L. Wilson, Samuel E. McQueen, Richard Donnelly, Alexander D. Smith, Joseph Johnson and M. M. Wagner, of the county of Johnson, are hereby appointed commissioners to open books to receive subscriptions to the amount of fifteen thousand dollars for the purpose of opening a turnpike road, to be called the Taylorsville turnpike, to run from a point on the North Carolina line, at or near where the main road from the town of Taylorsville, up the south fork of Roanes creek, intersects said line; and near the head waters of Cove creek, and running thence by the said town of Taylorsville, the nearest and best route to the Virginia line on the Laurel fork of Holston river, in the direction of Abingdon. The said sum of fifteen thousand dollars shall be divided into shares of twenty dollars each, and the subscription shall be made in person or by attorney regularly authorized; but if a smaller sum be sufficient to build said road, then the capital may be reduced to any sum which may be sufficient for said purpose. The commissioners heretofore appointed, shall open books in Taylorsville, in the county of Johnson, on the first Monday in May next, and as soon as one thousand dollars are subscribed, a meeting of the stockholders shall be held at Taylorsville, in the county aforesaid, of which meetings the managers of the subscription shall give twenty days notice at four public places in said county, after which first meeting the stockholders shall be and are hereby constituted a body politic and corporate, by the name and style of the Taylorsville turnpike company, and together with those who may afterwards subscribe for and purchase stocks, shall be constituted and may own, sell and buy property, sue and be sued, in their corporate name and character, and possess all the rights, privileges and powers, appertaining to bodies corporate and politic by law, and shall have succession for ninety-nine years. The subscribers or a majority of them being present at the first meeting either in person or by proxy, shall elect seven directors who shall be stockholders, who shall elect one of their number president of the board of directors, and the president and directors thus chosen, shall continue in office two year, and until another election shall

take place to fill their places, of which notice shall be given in four public places in said county. The president and directors thus chosen, shall have power to open books and receive subscriptions to the amount of capital stock hereby granted, or to any amount sufficient to build said road; they shall lay out the road along the best, nearest and most practicable route, and shall have power to make contracts for the opening and constructing said road, and may from time to time, call such payments on the stock subscribed, as the debts of the company may require, but no more than two dollars and fifty cents on each share shall be called for at any one time, of which twenty days notice shall be given; said president and directors may also appoint a clerk and treasurer, and such other officers as may be necessary; and transact all the business of said company, and prescribe the duties and fix the pay of its officers and agents.

SEC. 2. *Be it enacted*, That in respect to subscribers who fail to pay in any call as aforesaid, the said president and directors, shall have the same right and power that are granted the Knoxville and Virginia turnpike company, in the second section of their charter. Delinquent stock-holders.

SEC. 3. *Be it enacted*, That any subscriber as aforesaid, shall have the privilege to discharge the shares he may have subscribed in said road, in work and labor thereon, to be valued at the cash value by three disinterested men, chosen jointly by the said subscribers and the president and directors, if not agreed upon by the said parties. Stock payable in work.

SEC. 4. *Be it enacted*, That said road shall be made equal to a first class road, according to the laws of Tennessee, at all places where the ground over which said road passes will admit of it to be done, and shall erect bridges and cause-ways where necessary. To be first class road.

SEC. 5. *Be it enacted*, That said road shall be constructed in the same manner; and that said company shall be governed by the same rules and restrictions, and have the same privileges, and be subject to the same liabilities as are prescribed in the 3d, 4th, 5th, 6th, 7th and 8th sections of the act of 1846, chapter 81, incorporating William C. Stóry a corporate sole, to open and keep in repair a turnpike road in Cocke county, not inconsistent with the foregoing provisions of this act, but the said company shall have the time of four year to open and complete said road after the passage of this act. Style of Road.

SEC. 6. *Be it enacted*, That the formation of a company to be called the Blountsville and Elizabethton, Blountsville and Elizabethton, Cranberry Iron Works turnpike company.

Cranberry Iron Works turnpike company, is hereby authorized, which when formed shall be a body corporate by the name and style aforesaid, and capable to do all lawful acts properly incident to a corporation.

Capital Stock. SEC. 7. *Be it enacted*, That books for subscription of fifteen thousand dollars to be divided into shares, of twenty dollars each, shall be opened on the first Monday in May, 1850, and to be kept open in the same manner as provided for in the foregoing act in respect to the Taylorsville turnpike company.

Commissioners. SEC. 8. *Be it enacted*, That the said books shall be opened by the following commissioners and at the following places, to wit: at Blountsville, by Andrew Shell, F. D. Massingill, George Pill, J. K. Snapp, and Henry Anderson; at Elizabethton, by M. N. Fulsome, T. J. Powel, John Jobe, John Singletory, Isaac Tipton, James Smith and Benjamin F. Dyre, of Carter county.

Powers and privileges. SEC. 9. *Be it enacted*, That said commissioners shall proceed in the same manner, have all the rights, powers and privileges, and subject to the same restrictions as are provided in the foregoing sections, in respect to the Taylorsville turnpike company.

Route of road. SEC. 10. *Be it enacted*, That said company shall construct a turnpike road to run from a point opposite or near Mocasín Gap on the Virginia line, passing through Blountsville and Elizabethton, up Doe river and striking the North Carolina line at a point at or near where the main road running from Cranberry Iron Works to Elizabethton intersects said North Carolina line in the direction of said Cranberry Iron Works.

SEC. 11. *Be it enacted*, That said road shall be constructed in the same manner, and that said company shall be governed by the same rules and restrictions, and have the same privileges, and be subject to the same liabilities as are prescribed in the foregoing act to incorporate the Taylorsville turnpike company.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 30, 1850.

CHAPTER LXXXV.

An Act to incorporate a company to reclaim lands submerged by back water from the Cumberland, on the northwest side of the city of Nashville.

WHEREAS: J. Peabody, Orville Ewing, John Nichol, and other owners of real estate within and near the city of Nashville, on the northwest side thereof, which lands are submerged by backwater from the Cumberland river, have petitioned this General Assembly to incorporate a company, with authority to reclaim said lands; and to authorize a majority of the owners of said lands to elect three trustees, with authority to contract with the said company, to reclaim the said lands aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Return J. Meigs and Robert Farquharson, be and they are hereby appointed commissioners, at such times and places as they may deem expedient, to open books of subscription; and that the owners of the shares herein authorized, be and they are hereby made a body corporate, by the name and style of the Lick Branch Company, and by that name may contract and be contracted with, and may sue and be sued, plead and be impleaded, and prosecute to final judgment in any court or elsewhere; and may have a common seal, and change the same at pleasure; and may purchase, receive in donation or otherwise acquire lands and estate real, personal and mixed; and the same may rent, lease, let, use, possess, enjoy, sell, transfer, and convey, or otherwise dispose of; and may do and perform all such acts, and have all such powers and privileges as may be necessary and proper for them to do or to have, as a body corporate.

Lick Branch Company Incorporated.

SEC. 2. The capital stock of the company shall consist of two thousand five hundred shares, of one hundred dollars each; which shall be deemed personal property, and transferable only on the books of the company in such manner as the by-laws direct.

Capital Stock.

SEC. 3. The management of the business and property of the company, shall be under the control of three directors, who, when two hundred shares shall have been subscribed, may be elected by the stockholders; each share, having one vote, and these directors shall appoint one of their body as president, and may also appoint such other officers and agents and employ such other persons as they may deem expedient, and may define their duties, and fix their compensation. They shall also have power to make by-laws, rules and regulations, and change the same at will; the same being consistent with the constitution and laws of this State, and of the United States.

Organisation.

SEC. 4. Whenever the said company shall be organized,

Mayor to order
Election.

and the president shall have notified the mayor of the city of Nashville thereof, it shall be the duty of the said mayor, by public notice published in one or more newspapers of the said city, to appoint a time when the owners of the land submerged by overflow of the Cumberland river as aforesaid, shall elect three trustees, with power and authority, to contract with the said company, for reclaiming the said lands; and it shall be the duty of the said mayor, to cause the said election to be held on the day thus advertised, in the same manner as elections for the mayor and aldermen for the city of Nashville are held, and the owners of land thus submerged, shall each be entitled to vote at said election, for three trustees as aforesaid.

Tax to be levied.

SEC. 5. It shall be the duty of the persons conducting the said elections, to certify to the mayor, the names of the three persons having the greatest number of votes, and the mayor shall declare the three persons having the greatest number of votes, to be duly elected trustees, and shall issue to each, a commission authorizing them, as trustees, to contract with the said company, for reclaiming the said submerged lands; and the said trustees, may, and they are hereby authorized and empowered, to contract with the said company, binding the owners of the said lands, to pay to the said company, such sum or sums annually, and for such number of years as the said trustees and said company may agree upon; and it shall be the duty of the mayor and aldermen of the city of Nashville, to enter the said contract of record, and to enact an ordinance in conformity therewith, levying upon the lands thus reclaimed, as aforesaid, as an annual tax, the sums thus stipulated by the said trustees, to be paid to the said company, for reclaiming the said lands, which sum, thus levied, shall be apportioned, by the said ordinance, among the said owners of the said lands, and charged and collected as other taxes are, and when so collected, shall be paid over to the said company, or their assignee, as the same becomes due.

Materials.

SEC. 6. When the said company shall have made a contract for the reclamation of the said lands, it shall and may be lawful for them to enter upon and appropriate to their use, any land, earth, or material, necessary and proper for the reclamation as aforesaid; and in case they cannot agree with the owners thereof, they are hereby empowered and authorized to proceed in the same manner, and are invested with the same power and authority, to condemn land, earth, rock, or other materials necessary and proper to be used in the reclamation aforesaid, as

is prescribed for and given to the Nashville and Chattanooga railroad company, for the condemnation of land, earth, rock or other materials for the use of their railroad.

SEC. 7. If any owner of the said land, thus reclaimed, shall at any time prefer to release the same from the tax herein authorized to be levied thereon, he may at any time release the same, by paying into the treasury of the city of Nashville, a sum equal to the value of the tax thus charged on his land as aforesaid, and the sum thus paid, shall be held for the use of the said company, and paid to their order.

SEC. 8. If said trustees and the said company can agree, the said trustees may issue their bonds for such amount, payable at such times as may be agreed on, in sums not less than one hundred dollars, bearing an interest of six per cent. per annum, payable annually, and in that case, the tax charged on the said lands as is hereinbefore provided for, shall be sufficient to pay the interest on the said bonds, and to create a sinking fund sufficient to pay the principal, when the said bonds fall due; and in that case, the whole of the sums thus collected, shall be for the use of the said Lick Branch Company, or their assignee, and paid over when the same is received. Bonds.

SEC. 9. One dollar per share shall be paid at the time of subscription, and the remainder, at such time as may be required by the directors, who may, after the organization of the company, continue to receive subscription, until the whole amount of the capital stock is taken.

SEC. 10. If the directors shall at any time divide the capital of the said company, leaving debts unpaid, any creditor of said company may, by an action on this statute, recover from any shareholder, the amount so distributed and paid to such shareholder, or so much thereof, as may be required to pay the debt thus due, and any shareholder, who may be required to pay any such debt, may, by like action or by bill in equity, recover from each of the shareholders, a proportionate amount of the sum thus paid; and if the said directors shall, at any time, declare and pay any dividend, knowing the company to be insolvent, or that the paying of such dividend will render it insolvent, the directors present and assenting thereto, shall be severally and jointly liable to the creditors of the said company, for the whole amount of the debts of the said company, due at the time of declaring and paying such dividend; and each director present at the time of declaring such dividend, shall be held as assenting thereto, Provisions for Creditors.

unless he shall enter his protest at the time on the books of the company.

LANDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed February 9, 1850.

CHAPTER LXXXVI.

An Act to incorporate the Bledsoe Female Academy, in the County of Sumner, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Bledsoe Female Academy, situated near the Castilian Springs, in the county of Sumner, shall have a corporate existence from the day and date of the passage of this act, under the name and style of the Bledsoe Female Academy.

Organization. SEC. 2. That said institution shall be governed by nine trustees, who, as well as their successors, shall be elected by the patrons of said academy, on the last Saturday of every December, and shall hold their office, enjoying the rights and privileges of the same, for one year only, unless the patrons of said academy fail to assemble and elect a new board as this charter directs; in which event, those trustees who were last elected, under the provisions of this act, shall continue and be recognized as such, with all the powers and privileges granted by this act, unless such election is made as herein prescribed; all vacancies that may occur in their body, shall be filled by the board, and entered upon the minutes; they may elect from their own body, a president, secretary, and treasurer, and it shall be their duty to keep a correct record of their proceedings, which shall be transmitted at the expiration of their term of office, to their successors.

Trustees. SEC. 3. That the trustees of said academy, when elected as herein prescribed, shall constitute a body politic and corporate, a majority of whom, shall constitute a quorum for the transaction of business. The first board shall consist of William Hall, Joseph Harlan, David Chenault, A. B. Wynne, J. J. Hibbett, Jeremiah Belote, Bushrod Thompson, James H. Patterson, and George W. Winchester, who are to remain in office until the last Sat-

urday of December, 1850, when an election shall take place, according to the provisions of this act.

SEC. 4. That said board shall have power to employ ^{General power.} all necessary teachers and lecturers, fix the rate of tuition, prescribe the course of study, make all necessary rules and regulations, hold real, personal, and mixed estate, by purchase or otherwise, and sell or exchange the same as the interest of the institution may require; to sue and be sued, plead and be impleaded; and have a common seal; and; if they think proper, to confer, in conjunction with the teachers, such literary degrees and diplomas, as are usual in academies; and to have and enjoy all other powers and privileges, that are common to corporations of this kind, inclusive of the power to make all necessary by-laws relative to said academy, not inconsistent with the constitution and laws of this State, or of the United States.

SEC. 5. That the trustees be and they are hereby privileged to open books for subscription of stock in such shares as they may agree upon, to raise a library fund, which shall, when raised, be under the supervision and control of said board, or an officer appointed by them.

SEC. 6. *Be it enacted*, That the institution known as ^{Hartsville Male Academy.} the Hartsville Male Academy, near the town of Hartsville, Sumner county, shall have a corporate existence from the day and date of the passage of this act, under the name and style of Hartsville Male Academy.

SEC. 7. That said institution shall be governed by seven ^{Organization.} trustees, who, as well as their successors, shall be elected by the patrons of said academy, on the last Saturday of every December, and shall hold their office, enjoying the rights and privileges of the same, for one year only, unless the patrons of said academy, fail to appoint and elect a new board, as this charter directs, in which event, those trustees who were last elected, under the provisions of this act, shall continue and be recognized as such, with all the powers and privileges granted by this act, unless such election is made as herein prescribed; all vacancies that may occur in their body shall be filled by the board, and entered upon the minutes. They may elect from their own body, a president, secretary, and treasurer, and it shall be their duty to keep a correct record of their proceedings; which shall be transmitted, at the expiration of their term of office, to their successors.

SEC. 8. That the trustees of said academy, when elected as herein prescribed, shall constitute a body politic ^{Trustees} and corporate, a majority of whom, may constitute a quorum for the transaction of business. The first board shall consist of James S. Dyer, A. M. Debow, Thomas Stalker, R. M. Potts, M. Duffy, John Hutchins, and E. T.

Seay, successors of F. Duffy, Wm. Lauderdale, and others, original trustees, who are to remain in office until the last Saturday of December, 1850, when an election shall take place, according to the provisions of this act.

General powers. SEC. 9. That said board shall have power, and be required, to employ classical and scientific teachers and lecturers, fix the rate of tuition, prescribe the course of study, make all necessary rules and regulations, hold real, personal, and mixed estate, by purchase or otherwise, and sell or exchange the same, as the interest of the institution may require; to sue and be sued, plead and be impleaded; and have a common seal; and if they think proper, to confer, in conjunction with the teachers, such certificates of proficiency and moral character, as they may deem right, and to have and enjoy all other powers and privileges that are common to corporations of this kind, inclusive of the power to make all necessary by-laws relative to said academy, not inconsistent with the constitution and laws of this State, or of the United States.

SEC. 10. That the trustees be and are hereby privileged to open books for subscription of stock, in such shares as they may agree upon, to raise a library fund, which shall, when raised, be under the supervision and control of said board, or an officer appointed by them.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 4, 1850.

CHAPTER LXXXVII.

An Act to divide and equally apportion the Centerville Male Academy Fund of the county of Hickman, between the education of girls and boys.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the Centerville Male Academy, in the county of Hickman, be divided into two branches, one for the education of boys and the other for the education of girls, to be separately organized, and to share equally in the fund now on hand, or in any monies hereafter to be drawn from the treasury of the State, for the use of said Centerville Male Academy;*

said fund to be drawn as heretofore from the treasury, and appropriated as herein directed.

SEC. 2. That A. M. Williams, S. B. Moore, C. Johnson, R. E. Grindler and Pleasant Walker, be appointed additional trustees for said Academy.

SEC. 3. That the board of Trustees may at their discretion, appropriate a portion of said fund to the building of the Female Academy above named.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 19, 1849.

CHAPTER LXXXVIII.

An Act to incorporate the Hampshire and Greenwood Academies, in the County of Lewis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Nathan B. Akin, Wm. Biffle, Wm. Rolston, C. Y. Hudson, A. B. Buckner, and H. C. Kirk, be and they are hereby constituted a body corporate and politic, by the name of the Trustees of the Hampshire Academy, and shall have perpetual succession, and be capable, in law or equity, to purchase, receive and hold to themselves, and their successors, any lands, tenements, goods, or chattels, which may be given, granted, or devised to them, or purchased by them for the use and benefit of said academy, and to appropriate, use or dispose of the same, in such manner as to them may seem fit and proper for the use and benefit of said academy; and the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any of the courts of law or equity in this State.

SEC. 2. *Be it enacted*, That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as they may think fit and proper, to elect one of their number, president, and a secretary and treasurer of said board, and to fill vacancies, when such may occur by death, resignation, removal or otherwise; but not less than a majority of said trustees shall constitute a board to do business.

SEC. 3. *Be it enacted*, That said board of trustees

shall have power to make such regulations relative to said academy, and the government thereof; and their own proceedings, as a majority of said board may deem right and proper; provided, they be not inconsistent with the constitution and laws of this State.

SEC. 4. *Be it enacted*, That James Grines, James Davis, George A. Kennedy, William Wist, Stephen Warly and Joel Leftwich, be and they are hereby constituted a body corporate and politic, by the name of the Trustees of the Greenwood Female Academy, in the county of Lewis, and by that name, may sue and be sued, plead and be impleaded; and shall have the power to acquire and hold property; and to exercise and enjoy all such powers and privileges, as are possessed by the trustees of the Hampshire academy, in the county of Lewis.

SEC. 5. *Be it enacted*, That the trustees are authorized to fill any vacancies which may occur in the board, by death or otherwise, and elect a president and all other necessary officers, for the management of the institution; and make such by-laws as they may deem proper, not inconsistent with the laws of this State.

SEC. 6. *Be it enacted*, That the trustees of the Hampshire academy, and the trustees of the Greenwood academy, are hereby constituted branches of the County academy, of Lewis county; and for the support of said academies, they may have and receive, each, one third of the academy fund, annually paid by the State, for the support of said academy.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 6, 1850.

CHAPTER LXXXIX.

An Act to incorporate Dancyville Female Academy, in the county of Haywood.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there be established at, or near Dancyville, in the county of Haywood, in said State, an institution of learning, having a corporate existence under the name and style of the Trustees of the Dancyville Female Academy.

SEC. 2. *Be it enacted*, That the said institution shall

be governed by five trustees, who and their successors, shall constitute a body politic and corporate; a majority of whom shall make a quorum for the transaction of business; the first board shall consist of Felix McFarlane, William B. Pewet, William P. Cherry, William L. Coppage, and F. B. Kerr; all vacancies that may occur in their body, shall be filled by the board and entered upon the minutes; they may elect from their own body a president, secretary and treasurer. Incorporation.

SEC. 3. *Be it enacted*, That the said board shall have power to employ all necessary teachers and lecturers, fix the rate of tuition, prescribe the course of study, make all necessary rules and regulations; hold real and personal estate, by purchase, gift, or devise, and sell or exchange the same, as the interest of the institution may require; to sue and be sued, and have a common seal; to confer if they think proper, in conjunction with the teachers such literary degrees and diplomas, as are usual in female academies; and have and enjoy all other powers and privileges that are incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations relative to said academy, not being inconsistent with the constitution and laws of the State of Tennessee or of the United States. General Powers.

SEC. 4. *Be it enacted*, That said board shall have power to receive subscriptions of stock in said institution, in such sums and upon such terms as they shall in their by-laws, designate and prescribe, and the property and assets of the institution shall be governed by the board under such by-laws and regulations as they may from time to time establish.

SEC. 5. *Be it enacted*, That in the conveyance of real estate, or the transfer of claims or other assets, the name of the President of the board, shall be sufficient, by order of said board in each case.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 1, 1850.

CHAPTER XC.

An Act to change the line between the counties of Jackson and Macon, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Jackson and Macon be changed as follows: beginning at a white oak at the north-west corner of Jackson county, in Walker's line; thence with said line east one mile to two white oaks; thence south five and a half miles to a black oak; thence west one mile to a stake in the west boundary line of said county of Jackson; thence north to the beginning; *Provided*, That nothing herein contained shall reduce the said county of Jackson below her constitutional area; and provided that those living within the bounds proposed to be stricken off, shall pay the expenses of surveying the county of Jackson, in order to ascertain whether or not there is sufficient territory.

Forfeiture against
Creed F. Hud-
dleston, released

SEC. 2. *Be it further enacted*, That a forfeiture entered against Creed F. Huddleston, together with the costs of said suit, in the case of the State vs. Robert H. McIlvain, by the Supreme Court of this State, be and the same are hereby released.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 9, 1850.

CHAPTER XCI.

An Act to authorize the Trustees of Ocoee Academy to establish a Female Department in said Institution.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Board of Trustees of Ocoee Academy, now established in the town of Benton, Polk county, may establish a female department in said institution of learning, for the special education of females; and may locate said female department in the town of Benton, or at any other place not more than one mile distant from said town.

SEC. 2. *Be it enacted*, That they shall have power to appropriate any money they may have now on hand,

or any part not exceeding one-half of the funds now allowed by law to the male institution, or that may hereafter be allowed, to the benefit of said female institution at their discretion.

SEC. 3. *Be it enacted*, That said Trustees shall have power to acquire by purchase, donation or bequest, any real or personal property, and hold the same for the special use of the said female department of said institution.

SEC. 4. *Be it enacted*, That the Trustees of the Lewisburg Academy, in the county of Marshall, be authorized to establish a branch of said academy in the town of Lewisburg, for the education of girls; and to share equally with the male branch of said academy, in any monies now on hand and unappropriated, and in any monies hereafter to be drawn from the treasury of the State for said academy; said fund to be drawn from the treasury as heretofore, and appropriated by the trustees of said academy as herein directed.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 31, 1850.

CHAPTER XCII.

An Act to alter the line between Henderson and Decatur counties.

Be it enacted by the General Assembly of the State of Tennessee, That the line between Henderson and Decatur counties be so altered as to commence at the point designated in the act passed 19th January, 1848, and run in a south-westwardly direction, (so as not to approach Lexington nearer than twelve miles,) to the line known as the Brown line; thence south with that line to the Hardin county line; and the citizens east of that line to be entitled to all the rights and privileges, and subject to all the liabilities of other citizens of Decatur county.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, November 8, 1849.

CHAPTER XCIII.

An Act to attach the County of Wayne to the Nashville Bank District.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Wayne be and it is hereby attached to the Nashville Bank District, and that there be a director for said county in the Bank of Tennessee, who shall be appointed as other directors are now appointed, and that he have all powers and privileges and immunities of other Bank Directors in said Bank, and that he be subject to the same rules, regulations and restrictions that the other directors in said Bank are subject to.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed November 27, 1849.

CHAPTER XCIV.

An Act to authorize the change of venue in criminal cases.

Be it enacted by the General Assembly of the State of Tennessee, That when in any case according to the provisions of the existing laws, a change of venue may hereafter take place, the judge shall have power to change the venue to an adjoining county, as well out of the circuit as in it; and this shall apply to both civil and criminal cases; and when the venue has heretofore been changed to any adjoining county out of the circuit, the court to which such change of venue has taken place, shall have and exercise jurisdiction as fully and amply as if the suit had been legally transferred.

LANDON C. HAYNES.

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 5, 1850.

CHAPTER XCV.

An Act to incorporate Greasy Rock Academy, in the county of Hancock.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there is hereby established for the county of Hancock an academy, called Greasy Rock Academy, to be located at or within one mile of the county seat of said county, to have and possess all rights, claims, advantages, and immunities which by any of the existing laws of the State are allowed to any of the county academies in this State.

SEC. 2. *Be it further enacted*, That William S. Rose, ^{Trustee} Lea Jasper, Thomas Martin and Anderson Campbell, are hereby appointed trustees of said academy, and constituted a body politic and corporate, may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere; and said trustees by the name aforesaid shall be capable in law or otherwise, to purchase, receive, and hold to themselves and their successors, any lands, tenements, goods or chattels, which shall be given, granted or devised to them, or purchased by them for the use and benefit of said academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of said academy.

SEC. 3. *Be it enacted*, That said trustees, and their successors, shall have power to hold such meeting at such times and places as may be agreed upon from time to time; by a majority of the trustees aforesaid, to appoint a president, directors and treasurer of said board; not less than three members of said board shall constitute a quorum to do business relating to the management, interest or government of said academy; and the county court of said county shall have the power to fill all vacancies that may happen by death, resignation or otherwise.

SEC. 4. *Be it enacted*, That said board of trustees shall have power to make such by-laws, rules and regulations relating to said academy and the government thereof, and their own proceedings, as a majority of said board may deem right and proper; *Provided*, They are not inconsistent with the constitution and laws of the United States and of the State of Tennessee.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 30, 1850.

CHAPTER XCVI

An Act to incorporate the Mountain Male and Female Academy in the county of Tipton, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. D. Hall, J. V. Hall, James McCauley, J. J. Hall and James Holmes, be and they are hereby constituted a body corporate and politic by the name of the trustees of the Mountain Male and Female Academy, and shall have perpetual succession, and be capable in law or equity to purchase and receive and hold to themselves and their successors, any lands, tenements, goods or chattels, which shall be given, granted or devised to them, or purchased by them, for the use and benefit of said academy, and to receive and hold donations or legacies for the benefit of said academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of the academy aforesaid; and the said trustees, and their successors by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere.

SEC. 2. That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as they may think proper; to elect one of their number president, and a secretary, and a treasurer; but not less than a majority of said board of trustees shall constitute a quorum to do business relating to said academy; and they shall have power to fill all vacancies that may occur in said board by death, resignation or otherwise, and also to increase their number to nine.

SEC. 3. That said board of trustees shall have power to appoint teachers, and to make such regulations relative to said academy, and the government thereof, and their own proceedings, as a majority of said board may deem right and proper; *Provided*, They are not inconsistent with the constitution and laws of Tennessee.

SEC. 4. That the trustees of Westbrook Academy, of Obion county, be and they are hereby authorized and empowered to create a Female Department to said academy, and until such department is established, the trustees of said institution may, and they are authorized to receive females into the same, who, when admitted, shall be permitted to enjoy all the benefits and advan-

tages that are now or may be enjoyed by males at said academy.

SEC. 5. *Be it enacted*, That J. H. Stratton, Robert Wilson, David F. Wilson and William N. Hill, be and they are hereby constituted a body corporate and politic, under the name and style of the Laurel Hill Manufacturing Company, in the county of Lawrence, and in their corporate name may sue and be sued, plead and be impleaded, buy, hold or sell both real and personal property for the use and benefit of said corporation; may keep and use a common seal, and have succession for ninety-nine years.

SEC. 6. *Be it enacted*, That the capital stock of said corporation may be any sum, not to exceed one hundred thousand dollars, but may be any less sum that said corporation may think proper to invest, with all the rights, powers, and privileges, and under the same rules, regulations and restrictions that the Edgfield and Alisonian Manufacturing Companies are under.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. NENRY,

Speaker of the Senate.

Passed January 28, 1850.

CHAPTER XCVII.

An Act to amend an Act passed January 30, 1844, ch. 215, entitled an Act to amend the law of costs of criminal prosecutions, and to diminish the same where chargeable to the State or county.

Be it enacted by the General Assembly of the State of Tennessee, That that part of the seventh section of the above recited Act, which requires a witness in proving his attendance to swear that he has by such attendance as a witness lost the value of six hours labor of the day, be and the same is hereby repealed.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 28, 1850.

CHAPTER XCVIII.

An Act to alter the dividing line between the counties of McMinn and Monroe

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the dividing line between the counties of Monroe and McMinn be altered or changed so as to commence on Star's mountain on the dividing line between the Hiwassee and Ocoee district, at or near the corner of fractional townships numbers one and two; thence east of north to the Monroe county line in such direction so as not to include more than seventeen qualified voters in the bound taken from McMinn county.

SEC. 2. *Be it enacted,* That the county courts of McMinn and Monroe are hereby authorized to employ the county surveyors of said counties, or any other person that is competent, to run and mark said line; *Provided,* The same may be deemed necessary, and the county courts of said counties shall make such surveyor running said line, a fair compensation for his services, to be paid out of any money in the county treasury not otherwise appropriated.

SEC. 3. *Be it further enacted,* That nothing in this act shall be so construed as to prevent either of the counties of McMinn or Monroe from running and marking said line, and making a fair compensation for the same, as provided in the second section of this act.

SEC. 4. *Be it enacted,* That an act to alter the dividing line between the counties of Sevier and Blount, passed the 18th day of December, 1839, be and the same is hereby repealed.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 4, 1850.

CHAPTER XCIX.

An Act to establish Lawrence College, in Lawrence County.

SECTION. 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That a college shall be and is hereby established in Lawrence county, to be located in the town of Lawrenceburg, or in its immediate vicinity, at the discretion of the board of trustees hereinafter named; which college shall be known and distinguished by the name of Lawrence College.

SEC. 2. That W. P. Rowles, James N. Bradshaw, ^{Trustees} William McKnight, jr., Thomas D. Deavenport, Franklin Buchanan, Solon E. Rose, William Simonston, Gab. Bumpass, R. H. Allen, Stephanus Bush, Wm. B. Hall, C. L. Herbert, Wm. White, Jos. C. Sparkman, of Lawrence county; Edmond Dillahunt, of Maury; John McDougal, of Wayne; Bolivar Gordon, of Hickman; James Scott, of Hardin; and A. Wright, of Giles, be and are hereby constituted a body politic and corporate, to be known as the Board of Trustees of Lawrence College; and by that name, to have perpetual succession, and a common seal; to have and enjoy legal rights and remedies, in as full and ample a manner as have other corporations in this State.

SEC. 3. That said board of trustees, by their name ^{Powers} aforesaid, shall be capable, in law, to have, receive and enjoy to them, and their successors, lands, tenements and hereditaments of any kind, or value, in fee for life or a term of years; and personal property of every kind whatsoever; and any sums of money, to any amount whatsoever, that may be granted, given, or bequeathed to them, to erect buildings, purchase apparatus or books for the use of said college, or for endowing or supporting the same.

SEC. 4. That the president of said college, and any three of its trustees, shall, at any time, have power to ^{Vacancies} call meetings of said board of trustees whenever they deem it necessary; that at all such meetings of said board of trustees, stated or called, seven members shall be a quorum, and have power to fill vacancies occurring in said board, and exercise all the functions of their office: *Provided, nevertheless,* That two thirds of the trustees, and not less, shall be requested to be in attendance to elect any officer of said college, fix salaries, remove officers for malfeasance or nonfeasance of duty, or prescribe a course of study for the several classes of students: *And provided further,* That said trustees shall not have power

to do any thing at variance with the laws of this State, or of the United States.

Faculty. SEC. 5. That the president and such members of professions as the trustees may appoint, shall constitute the faculty of said college, none of whom shall be a member of the board of trustees while holding any other office in said college. Said faculty, or a majority of them, shall have power to confer the same degrees as may be conferred by any college in this State; shall establish a code of statutes and by-laws for the government of themselves and their pupils, and they may, for such cause as they or a majority of them deem sufficient, reprimand, and for continued misconduct, suspend any student, unless a quorum of the board of trustees can be convened, which quorum may, in their discretion, expel such student, or otherwise correct the evils resulting from the continued ill conduct of any student or students.

SEC. 6. That said board of trustees may buy, sell, sue and be sued, and do all other things necessary for the government and right management of said college.

Jackson Academy SEC. 7. That the trustees of Jackson academy shall have power, in their discretion, to convey the property of said academy to said board of trustees of said college, to be held and used by such board as they may hold other property, for the use of said college: *Provided*, That said board of trustees shall continue in said college, to maintain in their said college an academical course of study, equal to the course in said academy.

President of bo'rd SEC. 8. That the president of said college shall be *ex officio* president of its board of trustees, until a president of said college shall be elected and enter upon his duties; and thereafter, in his absence, the trustees shall elect one of their members to preside at their meetings, regular or occasional, and all their acts, done under such presidency, shall be as valid in law, as if done when the president of said college was present.

SEC. 9. It shall be the duty of the first person named as trustee in this act, to fix the time for holding the first meeting of said board of trustees, of which time he shall give at least ten days written notice to every member thereof; such meeting and all future meetings of said board to be held in Lawrenceburg.

Exempt from tax SEC. 10. That all the property, held by such board of trustees for the use of said college, shall be forever free from taxation of all kinds, for any purpose or by any authority whatsoever.

Act public. SEC. 11. That this act shall be deemed a public act, and as such, shall be judicially noticed, without being

specialty pleaded, in all the courts of law and equity in this State.

SEC. 12. This act shall take effect from and after the date of its passage.

SEC. 13. *Be it enacted*, That the town of Hampshire, in the county of Lewis, and the inhabitants thereof, be and they are hereby declared to be a body corporate and politic, with perpetual succession as such; and that said corporation be authorized to sue and be sued, plead and be impleaded, by the name of the Mayor and Aldermen of the town of Hampshire; and that they, by that name, be authorized and employed [empowered] to receive, buy or sell both real and mixed property, for the use and benefit of said corporation, and may use a town seal. Hampshire Incorporated.

SEC. 14. *Be it enacted*, That the boundaries of said town of Hampshire shall be as follows, to wit: Beginning ten poles southeast of the male academy, running a western direction with the line that divides the lands of James M. Grinnis and Joel Leftwich, to Davis' line; thence in a northern direction so as to include Greenwood seminary; thence in an eastern direction with the town branch, to Law's spring, crossing Cathway's creek, so as to include the residence of Nathaniel W. Jones; thence in a southern direction so as to include the residence of B. B. Smith, and with Smith's line to the beginning. Boundaries.

SEC. 15. *Be it enacted*, That all the rights and privileges that are granted to the citizens of Camden, in the county of Benton, in an act of incorporation, passed 8th November, 1847, be and the same is hereby extended to the citizens of the town of Hampshire, in the county of Lewis, except so far as this act may differ from that. Rights and privileges.

SEC. 16. That so soon as the citizens may think proper, after the passage of this act, the sheriff of said county of Lewis, shall proceed to hold an election in said town of Hampshire for five persons as aldermen, after having advertised said election for at least ten days, and of which aldermen, thus elected, one shall serve as mayor, and they shall all hold their office for twelve months, and until their successors are elected and qualified; and in all other respects the rights, powers and privileges, and the same rules, regulations and restrictions, that are imposed on the citizens of Camden in the above recited act; shall and is hereby extended to the corporation hereby framed. Elections.

SEC. 17. *Be it enacted*, That the town of Santa Fe, in the county of Maury, and the inhabitants thereof, are hereby incorporated by the name and style of the Mayor and Aldermen of the town of Santa Fe, and shall have perpetual succession; and by their corporate name may sue and be sued, plead and be impleaded, buy, hold and Santa Fe Incorporated.

sell, both real, personal and mixed property for the use and benefit of said town; and may have a town seal.

Sec. 18. *Be it enacted,* That the corporate limits of the town of Santa Fe shall include all persons and property embraced within the following limits, viz: Beginning at an elm tree at the foot of a hill on the Williamsport road, running thence east to Beech creek at the mouth of a ditch; continuing thence in an eastern direction with said ditch, to the southwest corner of Sawell or Erwin's lot on the Franklin road; thence north to Eli Dodson's south boundary line and branch; thence a southwestern direction with said Dodson's line to Beech creek; thence south to the beginning.

Sec. 19. *Be it enacted,* That all the rights, powers and privileges that are granted to the corporation of the town of Camden, in the county of Benton, by an act passed 8th November, 1847, be and the same is hereby extended to the town of Santa Fe, in the county of Maury, with all the powers and privileges, and under the like restrictions and regulations: *Provided, however,* That said corporation may proceed, at any time that may suit their convenience, to the election of mayor and alderman; and the constable in said district shall hold said election, after having given ten days' notice; and said mayor and aldermen shall hold their office for twelve months, and until their successors are elected and qualified.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 6, 1850.

CHAPTER C.

An Act to provide for the taking an enumeration of the free white male inhabitants of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the several county courts in this State, shall, at the January term of said court, in the year 1851, a majority of the justices of the county being present, elect a commissioner, whose duty it shall be to take, and make out in writing, an accurate and complete list of the number of free white male inhabitants, of their respective counties, who are twenty-one

years of age and upwards; and who shall be resident citizens of their counties on the first day of January, 1851; and it shall be the duty of each of said commissioners, to return such list of free white male inhabitants, so taken by them as aforesaid, certified to the clerk of the county court, on the 1st Monday in July, 1851.

SEC. 2. That it shall be the duty of the clerks of the county courts, respectively, to make out an aggregate number of free white male inhabitants returned, as by this act directed; and shall enter the same on the minutes of the county court; and it shall further be the duty of said clerks, to make out two accurate copies thereof, one of which shall be filed in their respective offices, and the other shall be transmitted to the secretary of State, on or before the 1st day of October, 1851; which copies shall be certified under their hands and seals of office; and they shall also furnish the senators and representatives from their respective counties, with a duplicate thereof.

Clerk's to make out lists.

SEC. 3. That it shall be the duty of the secretary of State, to receive all such lists to him transmitted, as by this act directed, and lay the same before the General Assembly during the first week of the session to be holden in the year 1851.

SEC. 4. That if any of the county courts in this State, shall fail to appoint commissioners, as contemplated by this act, or should any of the commissioners, appointed by virtue of the same, die or remove out of the county, before the time limited by this act, for taking and returning the list of free white male inhabitants, then it shall be lawful for said county court, in the county wherein any such failure, death, or removal may happen, at the next term of the court, to elect one in the place thereof, whose duty it shall be, to perform all the duties of commissioners, as directed in this act.

County Court to fill vacancies.

SEC. 5. That said commissioners, appointed by virtue of this act, shall be allowed the sum of three dollars for each hundred free white male inhabitants, by him enumerated and returned, which shall be paid by the treasurer of the State, upon a warrant from the comptroller of the treasury.

Fees.

LONDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CL.

An Act to improve Public Roads.

§ 1. *Be it enacted by the General Assembly of Tennessee*, That the overseers of public roads in such places as are now required to be causewayed, may, if they deem it best, pave the same with firm beaten stone or gravel for the width of fourteen feet, upon roads of the first class; ten feet upon roads of the second class, and of sufficient depth to make a good, firm, smooth road.

County court furnish tools.

SEC. 2. That the county courts are authorized and required, upon the application of an overseer, to cause to be provided, for the use of such road; such a number of small hammers, for breaking stone, as may be deemed necessary by the court. Said small hammers shall be kept and used by said overseer, under the same restrictions as is now provided by the act of 1807, chapter 59, section 1, for the safe keeping and proper use of the tools therein specified; and said overseers shall be liable to the same penalty for a misuse of said small hammers, as is prescribed by said act for a like misuse of tools mentioned in said act: *Provided*, That third class roads shall be opened seven feet wide; provided, that the county court shall have power to order roads of fourth class to be opened, which shall be bridle ways.

John Parsons's road.

SEC. 3. *Be it enacted*, That Dr. John Parsons be and he is hereby authorized to construct a turnpike road from some suitable point on Tennessee river, through Decatur county to the Henderson county line, in a good direction towards the town of Lexington, in Henderson county.

Style of Road.

SEC. 4. *Be it further enacted*, That said Parsons be and he is hereby authorized and required to conform, in all respects, in the construction of said road, with the provisions of a charter granted to C. H. Williams, on the 21st January, 1846; and be subject to all the provisions in said charter; and have and enjoy all the rights, privileges and immunities granted to said Williams in said charter; and be subject to all the liabilities imposed on said Williams in said act; except so far as the said provisions be inconsistent with the provisions of this act.

Commissioners.

SEC. 5. *Be it further enacted*, That William Lewis, John L. Houston and William J. Mirzobe, be and they are hereby appointed commissioners to examine said road, with the same powers and requirements, made of the commissioners provided for in the fifteenth section of the

act passed for the turnpike to be built by said Williams.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CII.

An Act to authorize tax collectors and their successors to make deeds in certain cases, and to authorize Sheriffs to collect arrearages of taxes, &c., and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases in which lands have been sold or may hereafter be sold, for default in the payment of taxes, it shall and may be lawful for the tax collector selling the same, or any of his successors in office, to make a deed or deeds to the purchaser, or to any other person to whom the purchaser may direct the deed to be made, after the time of redemption shall have expired.

SEC. 2. That any such deeds shall be good and valid, as evidence of title in any court of law or equity in this State.

SEC. 3. *Be it enacted,* That all sheriffs that have gone out of office, within two years past, shall have two years, from the passage of this act, to collect arrearages of taxes, and close other unsettled business in their hands, with all the powers of acting sheriffs.

SEC. 4. *Be it further enacted,* That the provisions of the third section of this act, be extended to the securities of the collectors of the revenue, who have died within the last two years, and that they, the securities, be clothed with as full and ample powers to collect the revenue in arrears, as the collectors would be, had they lived.

SEC. 5. *Be it enacted,* That the lot and buildings in the city of Nashville, occupied by the Sisters of Charity as school rooms and receptacles of invalids and other objects of charity, be and the same is hereby exempt from taxation, so long as the same shall be used for the purposes aforesaid.

Lot of Sisters of
Charity exempt
from taxation.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CIII.

An Act to amend the law of issuing warrants in civil cases, and to empower clerks to administer oaths in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, justices of the peace of this State, in cases where a warrant shall be demanded against any security on any bill single, bond or note, and the principal maker of such bill single, bond, or note, or drawer, shall reside in another county of this State, the justice shall have the power of issuing a counter part of such warrant to such other county against such principal maker or drawer of such bill single, bond or note, which shall be executed and returned to the justice issuing the same, within thirty days from its issuance, and the justice shall proceed to trial and give judgment as in other cases.

Clerks may administer oaths in vacation.

SEC. 2. *Be it enacted by the authority aforesaid,* That the clerks of the circuit and chancery courts of this State shall have power to administer oaths in vacation time, to all suitors in their respective courts, when under the law it is necessary for such oath to be administered by any officer of the State, in any matter connected with any suit pending in said court; and such oath, so taken, shall be as binding and valid, and the same penalties shall follow for falsely swearing, as if such oath had been administered by any other officer under the government, under existing laws.

Comptroller's bond and oath.

SEC. 3. *Be it enacted,* That from and after the passage of this act, the securities in any bond of the comptroller, may be acknowledged before any judge of the circuit court or chancellor in this State, and the oath of office may be administered by any judge of the circuit court or chancellor to the comptroller, and the act of the circuit judge or chancellor, relative to the bond and oath of the comptroller shall be as valid as the act of any judge of the supreme court in like cases.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 8, 1850.

CHAPTER CIV.

An Act to incorporate Hiwassee College, in the County of Monroe:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the following persons, to wit, John Key, Lewis Carter, John F. Galbraith, Henry H. Stephens, James A. Coffin, William M. Stakely, John B. Tipton, William Heiskell, Joseph B. Heiskell, Isaac T. Lenoir, Samuel Henderson, sr., David M. Key, Madison Clyburn, James Clyburn, Joseph Foshee, George W. Gibson, Donald A. McKedre, Newton W. Hawn, Elisha Griffith, William Dyer, and John H. Allen, and their successors, duly appointed by a majority of the board of trustees, upon vacancy occurring by death, resignation, or removal from the county of Monroe, in the said State of Tennessee, be incorporated by the name and style of the Trustees of Hiwassee College; and in such name shall have succession for fifty years, and shall have power to hold property, real and personal, to sue and be sued, plead and be impleaded, to convey or exchange their property and real estate, to have a common seal, and to confer degrees in as full and ample a manner as any college or university in the said State; that the said trustees shall have power to appoint the president, professors and trustees of said college; the president shall be *ex-officio*, a member and president of the board of trustees, with full power to act as such; that the said trustees shall have power to adopt by-laws as may be necessary to the good conduct and success of said college; to remove the president, professors, and tutors, upon fair and open trial, for incompetency, immorality or negligence of duty; to suspend, expel or otherwise punish students guilty of breaches of the rules and regulations of said institution, duly published and made known to such student; or for immorality or crime; that the said board of trustees shall have two regular meetings in each year, to be held at such times as they may think proper, at which time every regular and ordinary act shall be done; *Provided*, That if it shall be necessary at any time, the president shall have power to call a meeting of the board of trustees, who may, a majority of the members being present, do any act necessary and proper to be done; which shall remain in force until the next regular meeting of the board, and no longer; that the said college shall have the right to receive such fund of the Bolivar Academy as may be unappropriated and unexpended, and now

in the hands of the treasurer, trustees or any other person, belonging to or applicable to the use of said Bolivar Academy, whether the same may consist of money, notes on hand, or other available means, together with the unappropriated balance of the annual appropriation made to said academy out of the academy funds of the State, as the same may become due by law; *Provided*, however, that the trustees of Bolivar Academy shall have power to appropriate the sum of five hundred dollars out of the funds by this section appropriated to Hiwassee College, in addition to the sum heretofore appropriated to the use of the female department of Bolivar Academy; and provided, moreover, that at the expiration of said corporation, or the forfeiture of its charter, the money, funds, or other means, including the annual appropriation vested in said college, as by this act provided, shall revert to, and be paid back to the said Bolivar Academy, if the same shall be in existence, and if not, then to the trustees of Monroe county, for the use and benefit of an academy to be established in said county.

Gratuitous tuition

SEC. 2. *And be it further enacted*, That in consideration of the funds by this act appropriated, to the use and benefit of Hiwassee College, the county court of Monroe shall have the privilege of annually selecting five boys who shall be residents of said county, who shall have all the rights and privileges, and benefits of said college free of charge of tuition and other fees; *Provided, however*, That said privilege shall not extend beyond five for any one year.

Bolivar Academy

SEC. 3. *And be it further enacted*, That the trustees of Bolivar Academy shall have the power to sell the building, land, and appurtenances, of what constitutes said Academy, and apply the proceeds thereof to the use and purposes of the female department of said academy; or they shall have the right at their discretion of applying the building, land and appurtenances aforesaid, as a school house, for the use of the commonschool of the town of Madisonville; *Provided, however*, That a majority of the board of trustees of said academy shall consent thereto at a meeting of the board, and shall enter such consent upon the minutes of the board, together with the names of those voting for and against it.

Female
dept.

Depart-

SEC. 4. *And be it further enacted*, That the trustees of the female department of Bolivar Academy, shall have the power of changing the name of said academy to that of the Madisonville Female Academy, and that under that name shall have all the rights and privileges

given to, and exercised under the name of the female department of Bolivar Academy.

SEC. 5. *And be it further enacted*, That this act shall commence and be in force from and after the passing thereof.

LANDON C. HAYNES,
Speaker of the House of Representatives,
JOHN F. HENRY,
Speaker of the Senate.

Passed January 23, 1850.

CHAPTER CV.

An Act to secure the payment of certain legal fees of public officers of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any slave, a fugitive from justice in any other State, or any runaway, be demanded by the executive authority of such State, from the executive authority of this State, all legal fees of officers of this State accruing from the arrest and confinement of such fugitive or runaway, shall first be paid by the party or parties claiming such fugitive or runaway.

SEC. 2. That in all cases in which such fugitives or runaways have been heretofore demanded by any State and delivered by the executive of this State, as above described, without the payment of such legal fees of the public officers of this State growing out of the arrest and confinement of such fugitives or runaways, said fees shall be paid out of the treasury of this State, and upon satisfactory proof being made to the Governor of this State, that such fees are due and unpaid, he may direct the Comptroller to issue his warrant therefor.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed February 6, 1850.

CHAPTER CVI.

An Act to protect the rights of married women.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter when any suit may have been commenced by the issuance of process, or be pending in any of the courts of this State, in the name of husband and wife, for slander of the wife, or for any other cause where it is necessary to sue in the name of husband and wife, when the action survives to the wife, the husband shall not have power to dismiss said suit, either in or out of term time, without the consent of the wife given in open court if in term time, or if out of term time, by the written order of the wife, witnessed by two witnesses, with both of whom the clerk of the court shall be personally acquainted.

Sec. 2. That if any such order as that mentioned in the first section, shall be presented to any clerk in this State, the suit shall not be dismissed until so ordered by the court in term time.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 2, 1850.

CHAPTER CVII.

An Act to amend the Act of 1842, ch. 191.

Be it enacted by the General Assembly of the State of Tennessee, The Act of 1842, ch. 191, be so amended that hereafter no slave shall be emancipated in this State, except upon the terms and conditions imposed by the Act of 1831, ch. 102.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 31, 1849.

CHAPTER CVIII.

An Act to amend an Act entitled an Act to amend the law for the collection of the revenue of the State, passed 15th January, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter all revenue collectors that may have been elected or may hereafter be elected by any of the county courts of this State, as provided for by the first section of said act, shall have the power and are hereby authorized to appoint one or two deputy or deputies, and such deputy or deputies, shall have the same powers and authority for collecting the State and county revenue as revenue collectors now are allowed by law; *Provided,* Said collector shall be liable for the acts of his deputies.

SEC. 2. That all revenue collectors elected under the provisions of the above recited act, shall have two years from and after the expiration of the time for which they may have been elected, to collect all arrearages of taxes that may be due and owing for the time for which they were collectors.

SEC. 3. That revenue collectors may take bonds of their deputies in the same manner and have the same remedy that sheriffs now have on bonds taken from their deputies.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CIX.

An Act to protect married women.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any person shall commit an assault and battery upon his wife, for any cause whatever, it shall be a misdemeanor and punishable, as other misdemeanors; and if said assault and battery was committed since the session of the preceding term of the circuit court, it shall be the duty of the grand jury, if within their knowledge or the knowledge of either of them, to make presentment as in other cases.

SEC. 2. That if any one will mark his name, as pro-

secutor, upon sufficient evidence before the grand jury, a bill of indictment shall be preferred against any one guilty of said offence.

SEC. 3. That the judges of the circuit courts are required to give this act in charge to the grand jury.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CX.

An Act to alter and change the line between the counties of Overton and Fentress.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Overton and Fentress be so altered as to include the farms and residences of James S. Winningham, Absalom Garrett, Abram Pagget and Samuel Ridgan, in Overton county,

Giles and Lincoln

SEC. 2. *Be it further enacted*, That the line between the counties of Giles and Lincoln, be so altered as to include the residence of Tho. Collins within the (limits of Giles) county, in the following manner, commencing at the eight mile post from the Buckeye corner of Giles, Bedford, and Lincoln counties, and running east about six hundred yards to the top of a ridge between John D. Jones, of Giles, and Benjamin F. White, of Lincoln county; thence with said ridge due north to the Marshall county line.

SEC. 3. *Be it enacted*, That the county surveyors or the deputies of either the counties of Lincoln or Giles, be authorized to run and mark the line as provided for in this act.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 6, 1850.

CHAPTER CXI.

An Act to authorize the construction of the Magnetic Telegraph, and providing for the protection of the same.

WHEREAS, many of the citizens of the State of Tennessee are interested in the construction of lines of the Magnetic Telegraph, and desire the protection of their property, and the privilege of using the public roads and highways for their posts and wires:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any company, or individual may erect posts and wires and other fixtures for telegraphic purposes, on, or by the side of any public road or highway in this State; *Provided*, That such posts, wires, or fixtures, shall in no wise be set or placed so as to obstruct, hinder, or in anywise interfere with the common use or business of said roads or highways.

SEC. 2. That if any person shall wilfully destroy, damage, or in anywise injure said telegraph posts, wires, or fixtures, he, or they shall be deemed guilty of a misdemeanor, and shall be punished as provided by the laws now in force.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 4, 1850.

CHAPTER CXII.

An Act requiring notice to be given for the formation of New Counties:

Be it enacted by the General Assembly of the State of Tennessee, That when it is intended to petition the General Assembly to create a new county, notice of such intention shall be posted on a court day at least sixty days next preceding the annual election of Representatives to the Legislature, at the front door of the court house of the counties from which the new county is proposed to be formed, which notice shall set forth the name of such counties, the metes and bounds proposed for such new county.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 1, 1850.

CHAPTER CXIII.

An Act to amend the law now in force in cases of forcible entry and detainer, forcible detainer and unlawful detainer.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any party in any or either of the above named cases in this State may die during the pendency and before a final determination of any such suits, it shall and may be lawful for such suit to be revived in the name of the heirs or legal representatives of such deceased party in the same manner and to the same extent that actions of ejectment can now be revived.

SEC. 2. *Be it enacted*, That this act shall apply to all cases now pending, and which have not been abated by the order and judgment of the court where such suit may be pending.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 24, 1850.

CHAPTER CXIV.

An Act to provide punishment for the commission of rape by a free negro, and for the punishment of a negro guilty of being an accessory before the fact, to murder in the first degree.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any free negro, or free mulatto, who shall commit rape on a free white female, shall suffer death by hanging.

SEC. 2. *Be it enacted*, That if any negro, or mulatto, bond or free, shall be an accessory before the fact to murder in the first degree, he or she, shall suffer death by hanging.

LONDON C. HAYNES.

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CXV.

An Act to relieve the Bank of Tennessee, to sell the stock in Union and Planters' Banks, and to purchase the outstanding bonds of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the President and Directors of the Bank of Tennessee, shall declare semi-annual dividends of the Bank and Branches, on the first of January and first of July of each year, and as soon thereafter as the nett amount of said dividends can be ascertained, shall pay over the same to the Treasurer of the State, taking his receipt therefor, which shall be made to appear in the biennial reports to the General Assembly, of both the Treasurer and the Bank. Semi annual dividends.

SEC. 2. That the Treasurer shall, out of the dividends so declared and paid over, or any other monies in the Treasury not otherwise appropriated, pay annually to Common Schools and Academies, the sums heretofore appropriated by law, upon the warrant of the Comptroller, and that the Bank shall keep and disburse said appropriations as now required by law. Treasurer to pay School fund.

SEC. 3. That the Treasurer shall also pay out of said dividends or any other monies in the Treasury not otherwise appropriated, the interest upon the outstanding bonds of the State, that may from time to time become due upon the warrant of the Comptroller. *Provided*, however, that the Bank of Tennessee shall act as agent of the Treasurer in paying the interest that may be due and payable at Philadelphia and New York. To pay interest on bonds.

SEC. 4. That the President and Directors of the Bank of Tennessee, with the advice and consent of the Governor, shall be authorized to sell or dispose of the stock in the Union and Planters' Banks, upon such terms as they may deem expedient for the interest of the State, and apply the proceeds to the purchase of State Bonds at a rate not exceeding their par value, giving preference to the bonds issued for stock in the Union Bank, if the same can be purchased at a reasonable rate—*provided* the bonds purchased or received in exchange of the school-fund stock in said Banks, shall have endorsed thereon "School Fund Bonds," the interest on which shall be annually applied to Common School purposes as now provided for by law. May sell Union and Planters' bank stock.

SEC. 5. That said President and Directors are hereby authorized to use any money that may be in the Treasury, over and above the amount required to pay May buy State bonds.

the current expenses of the State, the appropriations to Schools and Academies and the interest upon the bonds of the State, in purchasing any of said bonds that may be outstanding, and they are hereby required to make a full statement in their biennial reports, showing the amount of Bank Stock that has been sold, and at what price, the amount of bonds purchased, and at what price, and also the amount drawn from the Treasury and used in the purchase of said bonds.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 9, 1850.

CHAPTER CXVI.

An Act to regulate the taxation of costs in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases when a cause is reversed in the Supreme Court, and remanded to the Circuit Court, it shall be the duty of the Clerk of the Circuit Court to which the cause is remanded, only to enroll the process, pleadings, and orders in the case, and not the evidence either oral or documentary, which may have been made part of the record in the case, when the appeal was taken to the Supreme Court.

SEC. 2. That from and after the passage of this act, it shall be the duty of the Courts, of this State, to include in the bill of costs, the necessary fees paid by the successful party, in procuring copies of deeds, bonds, wills, or any other records, where, by the laws, copies can be used as evidence, which have been filed as part of the testimony in the cause.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 10, 1850.

CHAPTER CXVII.

An Act to incorporate the Apollonian and Calleopean Societies of Union University, and the Bromathian Society of Westbrook Academy at Troy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That D. B. Hale, William Harris, R. F. James, W. R. Green, L. J. Crutcher, J. H. Oates, A. E. Ashford, R. Whitaker, C. C. Smith, P. P. C. Nelson, R. C. Williams, W. J. Caney, W. S. Hayes, A. S. Sayle, T. M. Dempree, and L. F. Duckett, and those associated with them, and their successors, be and they are hereby incorporated and made a body politic, by the name and style of the Apollonian Society of Union University, Murfreesboro, Tennessee, for the purpose of mutual improvement, in the arts and sciences and general literature, with full power and authority to form and adopt such a constitution and by-laws as they may think proper for its government; *Provided*, the same be not inconsistent with the Constitution and laws of the State of Tennessee. Incorporation.

SEC. 2. *Be it further enacted*, That the persons hereby incorporated may use a common seal, may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts whatsoever, and may hold real, personal and mixed property, not exceeding twenty thousand dollars in value, and may exercise all powers belonging to corporate bodies, for the purpose of promoting useful knowledge. Powers.

SEC. 3. *Be it further enacted*, That H. S. Bradford, D. H. Selph, G. E. Eagleton, T. P. Crawford, E. C. Ashford, R. B. McLane, J. R. Neal, A. B. Elliott, G. T. Brady, B. Edwards, S. R. Wings, J. M. Lasater, F. A. Ashford and their successors be and they are hereby created a body politic and corporate, under the name and style of the Calleopean Society of Union University, that they shall have succession and be and they are hereby invested with all the privileges and immunities, and subject to the same restrictions as the Apollonian Society incorporated by this act. Calleopean Society.

SEC. 4. *Be it enacted*, That Rev. F. E. Roberts, Rev. J. Weed, Rev. J. W. Ward, David Bright, W. R. McAlister, J. S. Moffatt, S. W. Cochran, P. R. Nants, S. A. McCollum, E. E. Westbrook, R. H. Harrison, John H. Harrison, Wm. E. Motheral, John Motheral, E. D. Farris, A. S. Hord, R. P. Caldwell, Augustus Moffatt, Merion Adams, B. F. Hutchison, B. F. King, J. P. Harper and Elijah Canada, or a majority of them and their successors, be and they are hereby created a body cor- Bromathian Society.

porate and politic under the name and style of the Eromathian Society, of Westbrook Academy, at Troy Tenn., that they shall have succession, and be and are hereby invested with all the privileges and immunities, and subject to the same restrictions as the Apollonian Society, by this act incorporated. And that seven members shall form a quorum to transact any business of said Society.

LONDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed November 26th, 1849.

CHAPTER CXVIII.

An Act to charter the Station Camp Creek Turnpike Company in the county of Sumner, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas Stratton, Lorenzo Watkins, B. B. Brown, Robert Elkton, Lewis T. White, Willie J. Douglass, V. S. Collier and Robert Douglass, be appointed Commissioners to open books for the purpose of receiving subscriptions for the purpose of building a turnpike road, commencing at the West Station Camp Creek, near Rawlings old place, and to extend East within or near one half mile of Gallatin, where it is to intersect the Red River Turnpike, the place where the old road now intersects the same. The said subscriptions may be made payable in money or in work to be performed on said road, to an amount sufficient to build the same. And so soon as subscription sufficient shall be made, said Company shall call a meeting of the Stockholders at such convenient place as may be designated by the first named Commissioners in this charter, by giving ten days notice in writing, of the time and place of said meeting, and after which said Stockholders and such persons as may thereafter become Stockholders, shall be and are hereby constituted a body corporate and politic by the name of the West Station Camp Creek Turnpike Company, and shall be so continued, and may own, sell and buy property, sue and be sued, plead and be impleaded, in all the courts of this State and elsewhere, and be entitled to

West Station
 Camp Creek turn-
 pike company.

all the rights, and privileges and subject to the conditions, limitations and restrictions granted and conferred upon the Lebanon and Nashville Turnpike company by charter, passed the 12th of February 1836, except so far as the provisions of this act are inconsistent with the same.

SEC. 2. *Be it enacted*, That persons subscribing may subscribe and take so much of said road, designating the part and distance so taken, which shall be built and finished by the person or persons so subscribing, in a good and substantial turnpike manner, to be graded twenty feet wide, cuts and fills to be made so as to reduce the grade to four degrees, and mettled with stone or good gravel twelve inches deep and sixteen feet wide. with sufficient culverts and water drains on the side and across the road when necessary, and the said subscription in work, shall be made as follows: the first mile or half and so on completing the distance, commencing at West Station Camp Creek. If two or more subscriptions shall take the same portion of the road, the board of Directors having due regard for the interest of the company, shall decide who shall have it.

SEC. 3. *Be it enacted*, That the Stockholders or a majority of them, shall call a meeting and elect five Stockholders as Directors of said company, who shall appoint one of their number President of the Board, who shall hold their office two years and until another election to fill their places, and ten days notice of said election shall be given in a newspaper published in the town of Gallatin. The President and Directors shall have power to designate the time and place of meeting, and to appoint such officers and agents as may be necessary to transact the business of the company and prescribe their duties and fix their salaries.

SEC. 4. *Be it enacted*, That so soon as five miles of said road shall be subscribed for, whether in money or work, the election of Directors shall take place, and said work shall be laid down by a majority of the Stockholders, and if the whole of said road shall not be taken in work but part of the stock in money, the President and Directors shall let out to the lowest bidder, such part remaining unsubscribed for as aforesaid, and apply the funds of the company in the payment of the same.

SEC. 5. *Be it enacted*, That the work on said road shall commence within twelve months from the passage of this act, and said road shall be finished within four years thereafter or this charter shall be forfeited.

SEC. 6. *Be it enacted*, That when the work upon said road shall be completed, such part of said road as shall

have been built by Stockholders subscribing to build so much thereof, the Stockholders shall have a meeting and examine and fix upon the value of the work done upon said road by each of said Stockholders so subscribing, and if they cannot agree, then three valuers shall be appointed by a majority of the Stockholders, unconnected with the parties who shall proceed to value each Stockholder's work, done on said road, which valuation shall be reported to the President and Directors of the company and which shall be placed upon the books of the company, and constitute so much stock in said Turnpike company, belonging to the Stockholders or his assigns, who may have done the work.

SEC. 7. *Be it enacted,* That in the event of any Stockholder failing to perform and complete in a Turnpike manner, his or their part of the road within the time specified, by this charter, for the completion of said road, he or they shall forfeit his or their stock in said road to said company, and the President and Directors shall proceed to put said portion of the road under contract in the best way for the interest of the company.

SEC. 8. *Be it enacted,* That whenever said road shall be completed, according to the provisions of this charter, from that point on West Station Camp Creek, designated in the first section of this charter, to that point where it is to intersect the Red River Turnpike Road, said company shall then have power to erect one gate and receive at same rates of toll charged by the Gallatin Turnpike company on their road.

SEC. 9. *Be it enacted,* That Wilson L. Carr, Dr. James M. Head, David Johnson, William Robb, Wm. McMurry, Jas. H. Patterson, Albert Brannum, James Charleton, Richmond C. Tyree, Cullen Gardner and Dr. Raymond Head, be appointed Commissioners, to open books to receive subscriptions, for the purpose of building a turnpike road, commencing at the bank of Cumberland at the lower end of Main street, at the town of Cairo, in the county of Sumner, running up said street, passing through the lands of Wm. W. Wilson, leaving the dwelling house of said Wilson on the east, thence to the mouth of Jas. Charleton's and Youree's lane, thence on the line between Charleton and Youree, and Charleton and Brannum to John and W. L. Carr's line, thence upon the line between said Carrs until it reaches the lands of D. Barry and Jas. Jamison, thence upon the line between the said Barry and Jamison, crossing the Bledsoe creek turnpike, where said road now crosses the same, and thence upon the line be-

Forfeiture of
work.

Cairo and De-
sha's Creek turn-
pike company.

tween Mentlo and Jamison to the line between Ferguson and Brannum to Desha's creek, thence up said creek as near the present road to the bridge on the Gallatin and Scottville turnpike road, with the privilege of extending said road up said creek to the Russellville turnpike at the nearest practicable point on said road; and the said road shall be known as Cairo and Desha's Creek Turnpike. The said subscriptions may be paid in money or work to be performed on said road to an amount sufficient to build the same; and so soon as subscriptions sufficient shall be made, said commissioners shall call a meeting of the Stockholders at Cairo, by giving ten days notice in writing, of the time and place of said meeting, and after which said Stockholders and such persons as may thereafter become Stockholders, shall be and are hereby constituted a body corporate and politic, by the name of Cairo and Desha's Creek Turnpike company, and shall so continue, and may own, sell and buy property, sue and be sued, plead and be impleaded in all the courts of this State and elsewhere, and be entitled to all the rights, powers and privileges, and subject to the conditions, limitations and restrictions granted and conferred upon the Bledsoe Creek Turnpike company, by charter, as amended, except so far as the provisions of this act are inconsistent with the same.

Sec. 10. *Be it enacted*, That persons subscribing may Style of Road. subscribe for and take so much of said road, designating the part and distance so taken, which shall be built and finished by the person or persons so subscribing, in a good and substantial turnpike manner, to be graded, levelled and mettled, as the Bledsoe Creek Turnpike, with sufficient culverts and water drains on the sides and across the road where necessary. And the subscriptions in work shall be made as follows: The first mile or half mile, or any other specified distance, and so on, commencing and terminating as specified in the 9th section of this act. If two or more subscribers shall take the same portion of the road, the board of directors having due regard for the interest of the company, shall decide who shall have it.

Sec. 11. *Be it enacted*, That the Stockholders or a Elections. majority of them, shall call a meeting and elect five Stockholders as Directors of said company, who shall appoint one of their number President of the Board, who shall hold their office two years and until another election to fill their places, and ten days notice of said election shall be given in a newspaper published at Gallatin or otherwise, as the board may see fit. The

President and Directors shall have power to designate the time and place of meeting, and to appoint such officers and agents as may be necessary to transact the business of the company, prescribe their duties and fix their salaries.

SEC. 12. *Be it enacted*, That so soon as five miles of said road shall be subscribed for, whether in money or in work, the election of Directors shall take place, and said road shall be laid down, as directed in the 9th section of this act, by a majority of the Stockholders, and if the whole of said road shall not be taken in work, but part of the stock in money, the President and Directors shall let out to the lowest bidder such part remaining unsubscribed for as aforesaid, and apply the funds of the company in the payment of the same.

Lettings.

SEC. 13. *Be it enacted*, That the work on said road, shall be commenced in twelve months from the passage of this act, and be completed by the 25th December 1853, or this charter shall be forfeited.

Valuation of work.

SEC. 14. *Be it enacted*, That when the work upon said road shall be completed, such part of said road as shall have been built by Stockholders subscribing to build so much thereof, the Stockholders shall have a meeting and examine and fix upon the value of the work done upon said road, by each of said stockholders, so subscribing. And if they cannot agree then three valuers shall be appointed, by a majority of the stockholders, unconnected with the parties, who shall proceed to value such stockholders work done on said road, which valuation shall be reported to the President and directors of the company, and shall be placed upon the books of the company, and constitute so much stock in said road, belonging to the stockholder or his or her agents, who may have done the work.

Forfeiture of work.

SEC. 15. *Be it enacted*, That in the event of any stockholder failing to perform and complete in a turnpike manner, his or her part of the road within the time specified by this charter for the completion of the same, he, she or they shall forfeit his, her or their stock in said road to said company and the president and directors shall proceed to put said portion of the road under contract, in the best way for the interest of the company.

Gates.

SEC. 16. *Be it enacted*, That whenever five miles of said road shall be completed, according to the provisions of this charter, said company shall then have power to erect one gate at such place as the directors may designate, so it is not nearer than one mile of Cairo, and receive toll at the same rates charged by the Gallatin Turnpike company on their road.

SEC. 17. *Be it further enacted by the General Assembly of the State of Tennessee,* That Neill S. Brown, Aaron V. Brown, George W. Martin, Matthew Watson, Samuel Seay, Eugene Underwood of Davidson county, John Burton, W. W. Pepper, Dudley E. Brooks, A. B. Green and L. G. Stranton of Robertson county, with such other persons or corporations as shall associate with them, are hereby constituted a body politic and corporate, by the name of the Louisville and Nashville Railroad company, to be connected with and form part of a corporate body created or to be hereafter created by the Legislature of the State of Kentucky, and by that name to sue and be sued, to contract and be contracted with, and the said company are hereby authorized to construct and finally to complete a single or double railway from some central or convenient point, to the city of Nashville, on the north side of the Cumberland River to the Kentucky state line, so as to intersect with any company that now is or hereafter may be incorporated by the Legislature of Kentucky, by the most direct and practicable route to Louisville, as to intersect the State line at such point as the company may elect.

Louisville and
Nashville Rail-
road Co.

SEC. 18. That said company is hereby invested, for the purpose of making said road, with all the powers, rights and privileges, and subject to all the liabilities and restrictions that were conferred and imposed on the Henderson and Nashville company, by an act passed 9th November 1849.

Powers and privi-
leges.

SEC. 19. That it shall and may be lawful for the company incorporated by the section of this act, as to negotiate with any other Rail-road company, chartered by the State of Kentucky, who may desire to extend their road over any portion of the route herein designated, to transfer the rights herein conferred upon them, either in whole or in part, to such company or companies, and thereupon such company or companies shall have the same rights, privileges and immunities, in making said road or any part of it on the route aforesaid, as are herein conferred on the company herein incorporated by the section of this act, and be subject to the same limitations and restrictions.

Transfer of char-
ter.

SEC. 20. That the persons above named in the section of this act, shall open books for the subscription of stock at the same time that the commissioners are required to do so, by the charter incorporating the Henderson and Nashville company, and that Neill S. Brown, of Davidson county, A. G. Green, Robertson county, together with such persons as may be designated, by the charter incorporating this company in Kentucky,

Local Board.

shall form the local board, and said board shall be invested with all the powers and subject to all the restrictions that the local board of the Henderson and Nashville company are, and in place of meeting at Hopkinsville they shall meet at Bowling Green, in Kentucky.

SEC. 21. *Be it further enacted*, That John O. Johnson, of Bledsoe county, and Wm. Hickman of Hamilton county, shall have the further time of two years from and after the passage of this act, to open and put in repair a Turnpike road, running across Walden's Ridge, from Bledsoe county to Hamilton county.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 1, 1850.

CHAPTER CXIX.

An Act to protect innocent purchasers in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases in which the heirs of a deceased person whose real estate may have been sold for the satisfaction of his debts by virtue of proceedings under the act of 1784, chap. 11, shall institute suit for the recovery of such real estate against the purchaser thereof, and obtain judgment in consequence of failure to serve *scire facias* personally on the minor heirs, it shall be the duty of the court rendering such judgment upon the application of the purchaser to set aside the satisfaction of the original judgment or execution, and upon the setting aside of such satisfaction, the original judgment shall be revived, and may be enforced by the purchaser against the real estate in the same way that the original judgment could be enforced by the original creditors, and this act shall apply to all suits that may be hereafter determined.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 23, 1850.

CHAPTER CXX.

An Act to amend the laws in relation to the sales of property under execution.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter whenever any sheriff, coroner or constable in this State shall levy any execution upon land or slaves, the debtor or debtors whose property is levied upon, shall have the right, if he think proper, to direct in writing, filed with the clerk or justice before the issuance of an execution or order of sale, or with the sheriff or other officer before or at the time of levying, the advertisement of the sale of said property in such newspaper as such debtor or debtors may select, the expenses of such advertisement to be paid out of the proceeds of sale as other costs. And it shall be the duty of every such officer, when such advertisement is directed as aforesaid, to make a memorandum thereof upon the execution; and should an *alias* or *plurias* execution or order of sale thereafter issue, the clerk or justice issuing the same shall copy such memorandum upon such *alias* or *plurias* execution or order of sale, and such memorandum shall be sufficient authority to any officer, whose duty it shall be to make sale of such property, and it shall be his duty in addition to the notice of sale now required by law, to advertise the time and place of such sale of the specific property so ordered to be advertised as aforesaid, in the newspaper so selected for two successive weeks.

SEC. 2. That hereafter in all cases of the sale of real estate, the notices required by the existing laws and by this act shall be given at least forty days before the day of sale, and for the sale of slaves the notices required by the existing laws and by this act shall be given at least twenty days before the day of sale; *Provided,* That in no case shall the validity of any such sale be affected by the failure of any such officer to note, on the execution the directions of the debtor or debtors as to advertising in a newspaper, nor by the failure of the justice of the peace or clerk issuing an *alias* or *plurias* execution, or order of sale to copy thereon such memorandum of the officer.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 5, 1850.

CHAPTER CXXI.

An Act to amend the act of 1842, ch. 6, on the subject of the redemption of real estate.

Be it enacted by the General Assembly of the State of Tennessee, That in all sales of land or real estate hereafter to be made under execution or deed of trust, **which** by existing law is subject to redemption, if the debtor is permitted by the purchaser, or his assignee, to remain in possession, the debtor shall not be liable for rent from the date of the sale to the time of redemption; and if the purchaser, or his assignee, shall take possession under his purchase, upon the redemption by the debtor, he shall be entitled to a credit for the fair rent of the premises during the time they were in the possession of the purchaser.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 2, 1850.

CHAPTER CXXII.

An Act requiring Merchants and privileges to pay double tax on sitting or refusing to obtain license.

Be it enacted by the General Assembly of the State of Tennessee, That if any person presume to sell goods, or exercise any privilege, without first obtaining a license as prescribed by law, he, she or they shall be subject to a double tax, and the clerk shall issue to the sheriff, or any constable of the county, a distress-warrant, commanding him to levy a double tax, with costs and charges, by distraining and selling so much of the delinquent's goods and chattels, after giving ten days notice of the time and place of sale, as shall be sufficient to satisfy the same.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 26, 1850.

CHAPTER CXXIII.

An Act to repeal a portion of the Militia Law now in force.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the Militia law now in force as compels privates to bear arms at regimental battalion or company musters, be and the same is hereby repealed.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 5, 1850.

CHAPTER CXXIV.

An Act to incorporate Hickory Wythe Academy, in the county of Fayette.

SECTION 1. *Be it enacted by the General Assembly of the* Incorporation.
State of Tennessee, That Wm. Karr, Jacob H. Young, J. W. Baker, J. M. Lane, Richard Galloway, Charles Lynn, and George Thompson, be and they are hereby constituted a body corporate, by the name of the Trustees of Hickory Wythe Academy, situated in the county of Fayette, and shall have perpetual succession, and be capable in law to purchase, receive, and hold to themselves and their successors, any lands, tenements, goods, or chattels, which may be given, granted, or devised to them, or purchased for the use of said institution, and appropriate the same as to them shall seem fit and proper for the benefit of said institution; and said Trustees and their successors shall have power to sue and be sued, plead and be impleaded in all the courts of this State or elsewhere.

SEC. 2. *Be it enacted,* That the Trustees aforesaid, Powers and privileges. shall have power to hold meetings at such times and places as they shall think proper, and elect from their own body a President, Secretary, and Treasurer, and all vacancies occurring in said board, by death, removal, or resignation, shall be filled by a majority of said board, and a majority of said board shall be a quorum to transact business relative to the interest of said Academy.

SEC. 3. *Be it enacted,* That said Trustees shall have

power to make such by-laws and regulations for the government of said Institution, as they shall deem proper, *Provided*, that they are not inconsistent with the laws and Constitution of the State of Tennessee.

Taxation.

SEC. 4. *Be it enacted*, That the buildings and lot for said Academy, shall be exempt from taxes.

LONDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed Feb. 8, 1850.

CHAPTER CXXV.

An Act to incorporate the Dandridge Female Academy, and the Tennessee Conference Female College, and for other purposes.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Henry J. Dick, Wm. R. Caswell, Wm. M. Bradford, James Fuller, Wm. D. Fain, George M. Simpson, James Scruggs, Theodorick J. Bradford and James P. Swan, be and they are hereby constituted a body politic by the name of the Trustees of the Dandridge Female Academy, and shall have succession for five hundred years, and be capable in law or otherwise to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattels, which may have been, or which shall hereafter be given, devised to them or purchased by them, for the use and benefit of said Academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of the Academy aforesaid; and the Trustees and their successors by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere.

Quorum.

SEC. 2. That the Trustees aforesaid and their successors, shall have power to hold such meetings at said Academy, at such times as may be agreed upon from time to time by a majority of the Board of Trustees aforesaid, to appoint a President, Secretary and Treasurer of said Board, and fill all vacancies that may happen by death, resignation or otherwise, but not less than five members shall constitute a quorum to trans-

act any business, relating to the management, interest or government of said Dandridge Female Academy.

SEC. 3. That said Board of Trustees, together with ^{Powers.} their Secretary and Treasurer, shall have power to make such by-laws, rules and regulations, relative to said Academy and their own proceedings, as a majority of said Board may deem right and proper, in order to promote, advance and facilitate the objects of said Academy; *Provided*, they are not inconsistent with the constitution and laws of the United States and of the State of Tennessee.

SEC. 4. That Charles Brandon, W. J. Dale, A. P. ^{Tennessee Conference Female College.} Spindle, J. B. Hamilton, J. J. Garrett, William McKnight, Alex. Terry, Martin Cheers, Henry North, William Rucker, Edmond Dillahunt, Mumford Smith, and B. H. Ragsdale, be and are hereby constituted a body politic and corporate, by the name of the Trustees of the Tennessee Conference Female College, and by that name shall have perpetual succession and a common seal; and said Trustees and their successors by the name aforesaid, shall have power in law and equity to purchase, receive and hold to themselves and their successors forever, or for any less estate, any lands, tenements, hereditaments, goods or chattels, which may be given, granted or devised to them, or in any lawful manner acquired by them or their successors for the use of said College, and to have power to sell and convey, use or dispose of the same in such manner as to them shall seem most advantageous for said College, and said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere.

SEC. 5. That said Trustees and their successors, ^{Powers.} shall have power to hold their meetings when and where they may think proper; *Provided*, that not less than five of said Trustees shall constitute a sufficient board to do business, and a majority of the whole number of Trustees present, shall have power to fill all vacancies which may happen in said board by death, resignation, removal or refusal to act, of any Trustee or Trustees. And said Trustees shall have power (when-ever a competent number to transact the business of said Board shall be present,) to appoint all officers of said Board by them deemed necessary and proper, and they shall have power to make their own by-laws, rules and regulations, to transact all business of every description relating to the plan, interest and government of any and the whole of the concerns of said Institution, in such manner as to them and their succes-

sors may seem fit and necessary; *Provided*, that such by-laws, rules and regulations, shall not be contrary to the constitution and laws of this State, or of the United States.

Conferring degrees.
SEC. 6. That Tennessee Female Conference College, is hereby vested with all the powers, privileges, franchises and emoluments of other Female Colleges in this State, and to confer the same honors upon students and others usually conferred in similar Institutions in the United States.

Corporation of Newmarket.
SEC. 7. That in all future elections of persons to serve as Aldermen of the corporation, in the town of New Market, in Jefferson county, that it shall and may be lawful, for every person living within the corporate limits of said town, who is by the constitution and laws of the State, a qualified voter, to vote in said election for Aldermen, and that any qualified voter as aforesaid, shall be eligible to the office of Mayor or Alderman.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 23d, 1850.

CHAPTER CXXVI.

An Act to authorize the Trustees of Tennessee Academy, in Rhea county, to use a portion of the Academy fund for certain purposes.

Be it enacted by the General Assembly of the State of Tennessee, That the Trustees of Tennessee Academy in Rhea county, are hereby authorized to use a portion of the Academy funds belonging to said institution, for the purpose of purchasing a lot in or near the town of Washington, and to erect thereon suitable buildings for Academy purposes.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Nov. 14, 1849.

CHAPTER CXXVII.

An Act to establish Ravenscroft College, and for other purposes.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James H. Otey, Ebenezer H. Cressy, Andrew J. Polk, James Walker, sr., shall be and they are hereby declared to be a body politic and corporate, by the name of Ravenscroft College; and shall have perpetual succession, and a common seal; and that they and their successors, by the name aforesaid, or by such other name as the trustees may adopt, shall have, and they are hereby invested with, all legal powers and capacities to buy, receive, possess, hold, alien and dispose of any property for the use and benefit of said college; and may sue and be sued, commence and prosecute any legal process or processes, and have the same instituted against them in any court of record.

SEC. 2. That three of said trustees shall constitute a board; and the said trustees shall have full power and authority to elect a president, who shall be *ex officio* a member of the board of trustees; and such professors, tutors and other officers in said college as they may judge necessary; to fix their salaries, and to make such by-laws, rules and regulations as, in their opinion, may be expedient and necessary: *Provided*, Such by-laws, rules and regulations be not inconsistent with the constitution and laws of the United States, and of this State.

SEC. 3. That upon the death, removal or resignation of any of said trustees, the vacancy thereby occasioned, shall be supplied by the remaining trustees, or a quorum of them, appointing some other person in place of the trustee who has died, resigned or removed beyond the limits of this State; but, before an election, three weeks' notice shall be given to each trustee, of the time and place of election; and the election shall be made in accordance with such other by-laws and rules as the board of trustees may establish, not inconsistent with the constitution and laws of the United States, and of the State of Tennessee.

SEC. 4. That the said trustees shall have at least one stated meeting in each year, at the time and place fixed by the by-laws of the corporation; and when, in the opinion of the president, a called session may be necessary, he may call the same; and the president and professors of said college, with the advice and consent of the board, shall have full power and authority to confer on any student in said college, or any other person, the degrees of bachelor of arts, master of arts, or any degree known

and used in any college or university in any of the United States.

SEC. 5. That said college be established in Maury county, in this State, the site to be selected by a committee to be appointed by said board of trustees at their first meeting, or at a place to be approved of by said board of trustees, at their first meeting.

SEC. 6. That the land on which said college shall be situated, and the buildings and other property of the corporation, shall be exempt from taxation.

SEC. 7. That no misnomer or misdescription of said corporation in any will, deed, gift, grant, devise, or other instrument of contract, or conveyance, shall vitiate or defeat the same; but that the same shall take effect in like manner, as if the said corporation were rightly named: *Provided*, It be sufficiently described to ascertain the intention of the parties.

SEC. 8. That said corporation shall have power and authority to receive donations and legacies for the benefit of widows and orphans of deceased clergymen in the State of Tennessee, and to distribute the same according to a plan to be designated in the by-laws of the said corporation.

Bethel Seminary. SEC. 9. *Be it enacted*, That so much of the seventh section of an act, passed the 1st day of December, 1847, entitled an act to incorporate Bethel seminary, in the county of Carroll, and for other purposes, as requires the sum of fifty thousand dollars to be raised as an endowment, be and the same is hereby repealed.

SEC. 10. *Be it enacted*, That the board of trustees of said institution shall have full power and authority to organize said seminary into a college, as by said seventh section provided, whenever, in their opinion, the cause of education and the interest of the institution will be advanced thereby.

Deaf and Dumb Asylum. SEC. 11. *Be it enacted*, That the sum of five thousand dollars annually, for ten years, be and the same is hereby appropriated, out of any monies in the treasury not otherwise appropriated, for the support of the Deaf and Dumb Asylum at Knoxville.

SEC. 12. *Be it enacted*, That the sum of five thousand dollars is hereby appropriated, out of any monies not otherwise appropriated, for the paying of the debts and completing the buildings of said Deaf and Dumb Asylum at Knoxville.

SEC. 13. *Be it enacted*, That the comptroller of the treasury, be and is hereby authorized and required to issue his warrant to the treasurer, for the above named sums, and the treasurer shall pay the same over to the

order of the board of trustees, or their chairman, of said Deaf and Dumb Asylum at Knoxville.

SEC. 14. *Be it enacted,* That before this appropriation shall be paid over to said trustees or their chairman, that the title of said lot and buildings of the Deaf and Dumb Asylum shall be vested in the State.

SEC. 15. *Be it enacted,* That each senatorial district, in this State shall have the right to send, free of charge, two pupils to the institution for the education of the deaf and dumb, in preference to all others, whether free or paying scholars; and these pupils shall be selected by the senator and representatives for the time being in such district: *Provided,* That such senator and representatives shall always give the preference to such indigent persons, as are unable to pay the expenses of their tuition: *And provided further,* That each senatorial district shall make application for the admission of its pupils, within forty days after the commencement of each session.

SEC. 16. *Be it enacted,* That John S. Young, R. J. Blind Institution. Meigs, Robert Martin, A. W. Putman, be and the same are hereby added to the board of trustees for the education of the blind at Nashville.

SEC. 17. *Be it enacted,* That the sum of five thousand dollars be and is hereby annually appropriated for the term of two years, for the use and benefit of the institution for the education of the blind at Nashville; and the comptroller shall issue his warrant for said sum, and the same shall be deposited in the bank of Tennessee, and shall be paid over by order of the board of trustees, or their chairman, as the same may be called for, and the said chairman shall keep, or cause to be kept, a true account thereof, and report the same to said board of trustees annually or oftener if required by said board.

SEC. 18. *Be it enacted,* That said board of trustees may appoint a building committee, which shall have power to draw and expend any part of said appropriation, not exceeding four thousand dollars, to be used by them in connection with such sums [as may contributed by private subscriptions,] for the purpose of erecting suitable buildings upon a lot to be procured and conveyed to the State of Tennessee, in fee simple with general warranty forever, in or near the city of Nashville, for said Blind Institution.

SEC. 19. *Be it enacted,* That hereafter it shall be the duty of the trustees of the institution for the benefit of the blind, at Nashville, to receive two pupils, free of charge, from each senatorial district in this State, who shall be selected by the senator and representatives of

their respective districts, and they shall give preference to those not able to pay.

SEC. 20. *Be it enacted,* That Wm. C. Hutchison, F. R. Woolfolk, J. M. Pyles, be and they are hereby constituted a body corporate and politic, by the name of the Trustees of the Clinton Grove Academy, and shall have perpetual succession; and be capable, in law or otherwise, to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattles, which may be given, granted or devised to them, or purchased for the use and benefit of said academy, and to appropriate, use and dispose of the same, in such manner as to them may seem fit and proper, for the use and benefit of said academy aforesaid; and the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

SEC. 21. *Be it enacted,* That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as they may think proper, to elect one of their number, president and secretary and treasurer, of said board, and to fill vacancies that may happen by death, resignation or otherwise; but not less than a majority of said trustees shall constitute a quorum to do business relating to the interest of said academy.

SEC. 22. *Be it enacted,* That said board of trustees shall have power to make such regulations relative to said academy and the government thereof, and their own proceedings, as a majority of said board may deem proper; provided they are not inconsistent with the constitution and laws of Tennessee.

SEC. 23. *Be it enacted,* That A. W. Taylor, James P. Tipton, Peter Emmert, Nathaniel G. Taylor, M. N. Fulsome, James Price and Dr. J. Powell, and their successors, are hereby created a body politic and corporate, to be known by the name of the Trustees of the Emme Female Academy, in the county of Carter, with all the rights, powers, and privileges, and subject to all the liabilities and restrictions that are conferred and imposed upon the trustees of the Cotton Grove academy, in the county of Madison.

LANDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed February 3, 1850.

CHAPTER CXXVIII.

An Act to incorporate the Mars Hill Academy, in Rhea county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an academy is hereby incorporated in Rhea county, in this State, to be known by the name of Mars Hill Academy, and that Edward E. Wasson, Dr. Addison Locke, James Robinson, Edward Pyatt, Stephen Cawood, James J. Cash, David G. Scroggins, Jesse P. Thompson, Robert Cravens, Alfred Marsh and Dr. James W. Gillespie, and their successors, be and they are hereby appointed and constituted a body politic and corporate, by the name and style of the Trustees of Mars Hill Academy, and as such, and by such name, may sue and be sued, plead and be impleaded, buy and sell property, or otherwise acquire the same according to law, and sell or convey the same, and have and enjoy all other such rights, as are usually possessed and exercised by other incorporated academies in this State, and pass all by-laws and ordinances necessary for their organization and government when organized, so that the same are not inconsistent with the constitution and laws of this or of the United States; seven of the above named trustees being present and voting for any such by-laws or ordinances.

Sec. 2. That said trustees have power to fill any vacancy that may occur by death, resignation, removal or refusal to act in said board; that they have power to elect a secretary and treasurer, and president, of and for said institution, at their discretion, and for such term of time as may be by any by-law of theirs designated; and that the duties of such officers be defined by a by-law or otherwise, by said board of trustees.

Sec. 3. That when any student in said institution ^{Expulsion.} may be arraigned for any disorderly conduct, that he, she or they shall be tried by said board of trustees and such officers as they may have elected, and their judgment shall be a final decision of any such charge; and they shall have a jurisdiction of any such charges, when the expulsion from said institution or a suspension therefrom is the only question at issue; and no student shall be expelled or suspended from said academy, except by the judgment and order of said trustees or a majority of them.

Sec. 4. That all matters of order and rule for the government and discipline of said academy, shall be ^{May employ Teachers.} fixed and defined by said trustees, or a majority of them, which shall be a matter of record in said institution;

and that they have power to employ teachers for said academy, and to discharge the same on sufficient cause.

Quincy Female Academy.
Sec. 5. *Be it enacted,* That Solomon Shaw, Eason Jones, Alexander McDougal, B. G. H. B. Avery, Samuel Dean, Richard A. Edwards, and Richard Hartsfield, be and they are hereby constituted a body politic and corporate, and shall be known in law as the trustees of Quincy Female Academy, in the county of Gibson, and they shall have all the powers, privileges, and immunities, and subject to all the liabilities of the trustees of the Brownsville Female Academy in the county of Haywood.

Post Oak Spring Academy.
Sec. 6. *Be it enacted,* That William F. Brown, William J. Owings, John Tedder, B. F. Davis, Joshua Moore and William McElwee, be and they are hereby constituted a body corporate by the name of the trustees of the Post Oak Spring Academy, situated in the county of Roane, and shall have perpetual succession, and be capable in law to purchase, receive and hold to themselves, and their successors, any lands, tenements, goods, and chattles, which may be given, granted, devised to them, or purchased for the use of said institution, and appropriate the same as to them shall seem fit and proper for the benefit of said academy, and said trustees and their successors, shall have power to sue and be sued, plead and be impleaded, in all the courts of this State or elsewhere.

Sec. 7. *Be it enacted,* That the trustees aforesaid, shall have power to hold meetings at such time and place as they shall think proper, and elect from their own body a president, secretary, and treasurer; and all vacancies in said board, by death, removal, or resignation, shall be filled by the county court of Roane county, and a majority of said board shall be a quorum to transact business relative to the interest of said academy.

Sec. 8. *Be it enacted,* That said trustees shall have power to make such by-laws and regulations for the government of said institution as they shall deem proper; provided, they are not inconsistent with the laws and constitution of the State of Tennessee.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 7, 1850.

CHAPTER CXXIX.

An Act to incorporate the Philomathian Society, and for other purposes.

WHEREAS, a number of young men in Davidson county, connected with the Washington Institute, have formed themselves into a literary society, and are determined to use their joint efforts to procure a good library for the diffusion of general scientific information. Wherefore, to aid them in this commendable undertaking;

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That G. W. Everett, E. H. East, John Shane, B. M. Smith, William Wilson, A. L. King, G. W. M'Laughlin, T. J. Vanderville, A. C. M'Laughlin, R. R. Caldwell, James Barnes, and such others as may be at present, or may hereafter become members, are hereby constituted a body politic and corporate under the name and style of the Philomathean Literary Society, and shall have perpetual succession, and a common seal; shall be capable in law or otherwise to purchase, receive, and hold to themselves and their successors, any books, maps, goods, chattles, lands, or tenements which may be given, granted, purchased, or be devised to them for the use and benefit of said society, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper, for the benefit of said society; may sue and be sued, plead and be impleaded.

SEC. 2. *Be it enacted*, That said corporation shall have power to elect from their body suitable officers, and make such rules and by-laws for their government as may be requisite to promote the objects of the society, and to elect to membership, and confer honorary membership on all such persons as may be calculated to promote the interest of said corporation; *Provided*, nothing they may do shall conflict with the laws of this State or of the United States.

SEC. 3. *Be it further enacted*, That the trustees of Burnett College. Burnett College, in Van Buren county, may receive subscription for stock in said corporation for any amount, so the capital stock shall not exceed one hundred thousand dollars, including the stock heretofore subscribed.

SEC. 4. *Be it enacted*, That the eleventh section of an act which this is intended to amend, is hereby repealed, and the stockholders of said institution shall, on the first Saturday in March next, and every two years thereafter meet in the town of Spencer, in Van Buren county, and elect the number of trustees that is requir-

ed by the act that this is intended to amend, who shall hold their offices for two years, and until their successors are elected; and should vacancies occur in the interim between elections, the president of said institution may appoint a trustee or trustees as the case may be, to fill said vacancies at pleasure, subject to the same rules that now govern said institution.

Fall Branch. SEC. 5. *Be it enacted*, That whereas Fall Branch is situated in the corner of Greene, Washington, and Sullivan counties, and divided by the lines of said counties so as to be deprived of the benefits resulting from the school fund; wherefore, and for remedy, the said village of Fall Branch, and the inhabitants within one mile thereof, shall form a school district, and be added to the county from whom the greatest number of inhabitants are taken in its formation, and the commissioners of the districts in the adjacent counties thereto, from whom the scholastic population shall be abstracted to form said district, shall pay over to the commissioners thereof their rateable portion of the school fund of said district, and for which district commissioners shall be elected as other commissioners of the county, and be subject to the like rules and restrictions as are prescribed for the government of the other commissioners of said county.

New District in Warren County SEC. 6. *Be it enacted*, That a new school district shall, and is hereby laid off in the county of Warren, in the fifteenth district of said county, running as follows, to wit:

SEC. 7. Beginning at Jefferson Caldwell's, running west, leaving John Caldwell's on the south side; and west leaving James Collar on the north side; thence down Tucker's branch leaving said Tucker in the south end of said fifteenth district; thence to Collin's river; thence south and east to the beginning.

Charters of Washington and Pikeville. SEC. 8. *Be it enacted*, That an act passed January 7, 1830, to incorporate the inhabitants of the towns of Washington and Pikeville, be and the same is hereby so amended that hereafter there shall be elected five aldermen instead of seven, as provided for in said act, for the government of the town of Pikeville; and such board of five aldermen shall have all the powers, privileges and immunities granted by said act to the board of seven aldermen, and that they be subject to all the liabilities, restrictions and duties of said board of seven.

Limits of Sparta. SEC. 9. *Be it further enacted*, That the corporate limits of the town of Sparta be extended so as to include William R. Sturd, and Simson R. Bramlett, in said corporation.

Sec. 10. *Be it enacted,* That the corporate limits of the town of Gainesboro', in the county of Jackson, be extended so as to embrace the residence of Benjamin E. Williams, John Williams, and McCaes & Kirkpatrick's tanyard, under the same rules, regulations and restrictions of the former charter. Limits of Gainesboro'.

Sec. 11. The capital stock of the Odd Fellows' Hall and Library Association of the city of Memphis may be increased to the sum of fifty thousand dollars, and said association have power to hold real and personal estate to that amount. Odd Fellows of Memphis.

Sec. 12. A failure to elect directors for said association on the day designated in the charter, shall not work a discontinuance, dissolution or forfeiture of said charter; but the stockholders, a majority being present, either in person or by proxy, at any day thereafter, may elect their officers, who shall continue in office until their successors are duly appointed.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 26, 1850.

CHAPTER CXXX.

An Act to incorporate the Nolensville Female Academy, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James C. Copeland, James Johnson, John Hay, Benjamin T. King, Richardson Van Derslice, William A. Whitsett, James Shegog, James S. Smith, Joel A. Battle, Benj. R. Gant, W. T. Berry, William B. Johnson, Samuel F. Bittick, Henry McClure, Sol. G. Morton and Martin Clark, and their successors in office, be and are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Nolensville Female Academy, and by that name shall have succession and a seal; and the said trustees and their successors shall be capable in law to purchase, receive and hold to themselves and their successors, any lands, tenements, goods, or chattels, which shall be given, granted or devised to them, or purchased by them for the use and benefit of said academy, and to appropriate, use and dispose of the same in such

manner as to them may seem fit and proper, for the benefit of said academy; and said trustees may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

Quorum. SEC. 2. That five of said trustees shall constitute a quorum for the transaction of business, at such time and place, from time to time, as a majority of the board may agree upon; to appoint a president, secretary and treasurer, of said board, and all officers necessary for the management of said institution.

Vacancies. SEC. 3. That upon the death, or refusal to act, removal or resignation of any member of said board of trustees, the county court of Williamson county shall appoint and fill such vacancies.

Powers. SEC. 4. That said board of trustees shall have power to make such laws, rules and regulations, relating to said academy and the government thereof, and their own proceedings, as a majority of said board may deem right and proper; provided, they are not inconsistent with the constitution and laws of the State of Tennessee.

Colonization Society. SEC. 5. *Be it enacted*, That Philip Lindsley, Francis B. Fogg, John Shelby, R. J. Meigs, John T. Edgar, sr., James Woods, J. B. Ferguson, Robert H. McEwen, M. M. Henkle, Nathaniel Cross, Robert Martin, R. B. C. Howell, Joseph P. Brown, John L. Smith, R. A. Lapsley, A. L. P. Green, J. H. Shepherd, and their associates and successors, shall be, and the same are hereby created and declared to be a body politic and corporate, by the name, style and title of the Tennessee Colonization Society, and shall be able to sue and be sued, to plead and be impleaded, answer, and be answered unto, in any court of law or equity in this State; may have and use a common seal, form a constitution and by-laws, shall have full power to hold and enjoy to them and their successors in fee or otherwise, any lands, tenements, or hereditaments, by gift, bargain and sale, devise or other act, of any person or persons body politic or corporate, whatsoever; to take and receive any sum or sums of money, goods or chattels that should be given, sold, or bequeathed to them in any manner whatever; *Provided*, That the yearly value of such real estate does not exceed the sum of ten thousand dollars; and the same shall do all other necessary acts not incompatible with the constitution and laws of this State and constitution of the United States.

Objects. SEC. 6. That the object of this society shall be to use any gift, devise or other act of any person or persons, body politic or corporate, according as the consti-

tution and by-laws of said society shall determine to be most conducive to colonize with their own consent in Liberia, on the coast of Africa, the free people of color residing in this State, and for no other purpose whatever.

SEC. 7. That the constitution and by-laws of said society, which may be in force at the time of the passage of this act, if not incompatible with its provisions, shall continue valid until repealed or altered by the society.

SEC. 8. That this act shall be recognized as public, and subject to repeal or amendment at the will of the General Assembly.

SEC. 9. *Be it enacted*, That it shall hereafter be the duty of the trustees of all colleges or universities of the State that have received endowments, or received any portion of the State funds, to report annually to the Comptroller of the Treasury all matters connected with the management of their respective schools, and of the disposition of all funds that may have come into their hands as trustees, which reports shall be laid biennially before the Legislature by the Comptroller.

Universities and Colleges to make annual report.

SEC. 10. *Be it enacted*, That Maj. B. F. McFarland, of Grainger county; John Hill, Esq., of Jefferson county; Gen. T. D. Knight, of Claiborne county; John Netherland, Esq., of Hawkins county; T. N. Frazier, of Bledsoe county; Dr. John Hazel, of Rhea county; David Rankin, of Monroe county; Wm. Cleft, of Hamilton county, and John McCorkle, of Meigs county, be and they are hereby appointed trustees in the East Tennessee University, at Knoxville, with the same rights and privileges of other trustees of said institution.

East Tennessee University.

SEC. 11. *Be it enacted*, That any additional revenue that may hereafter come into the treasury as a tax on capital employed, or to be employed in any mineral lands now in progress of development in this State, shall go to the common school fund.

Tax on mineral lands.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CXXXI.

An Act to amend an Act entitled an Act to amend the laws in relation to cases of forcible entry and detainer, passed 4th February, 1842, chapter 186.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the seventh section of the above recited act be and the same is hereby repealed.

SEC. 2. That from and after the passage of this act, in all cases of forcible and unlawful detainer, or forcible entry and detainer, the justices of the peace trying the same, shall be entitled to, and receive, each one dollar per day; and the sheriff, constable or other officer, executing the leading process in any such suit, shall receive one dollar for each defendant named in said summons, twenty-five cents for summoning the justices and each witness he may summon; and the witnesses shall receive fifty cents for each day they may be in attendance upon any such suit.

SEC. 3. That the fourth and sixth sections of said act be so amended that within five days (Sundays excepted) the cause may be carried to the next term of the circuit court of the county by appeal, upon bond and security being given, according to the 6th section of said act; and after the lapse of five days, if no appeal has been taken, an execution and writ of possession shall issue.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 31, 1849.

CHAPTER CXXXII.

An Act to incorporate Bear Creek Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Col. H. B. Porter, Thos. A. Leftwich, Pleasant J. Akin, Peter J. Vocrhies, Richard H. Ogilvie, Philip H. Flippin, William B. Fulsome, Henry B. Dainwood, John P. Spindle, Alexander Mackey, John Butler, Laird B. Boyd, Isaac G. Voorhies and Jesse E. Evans, be and they are hereby appointed commissioners to open books, at any time and place they may choose, for

Commissioners to
open books.

the subscription of stock to be used in constructing a McAdamized turnpike road, from some suitable point on the Franklin and Columbia turnpike road, near to Osburn's blacksmith shop.

SEC. 2. That the capital stock of said company shall not exceed thirty thousand dollars, to be divided into shares of twenty-five dollars each.

SEC. 3. That so soon as one thousand dollars of said stock shall be subscribed, any three or more of said commissioners shall call a meeting of stockholders of said company, at the house of T. A. Leftwich, by giving ten days' notice by advertisement, or in some newspaper printed in Columbia, and at such meeting, the subscribers for stock in said road shall elect seven directors, one of whom shall be president, who shall hold their office for two years, and until their successors are elected. Elections.

SEC. 4. That the president and directors may, in such manner as they may think best, solicit and procure additional subscription for stock, and shall, either by themselves or some competent person or persons appointed by them, mark, lay out and locate said road, commencing at or near Osburn's blacksmith shop, on the Franklin and Columbia turnpike, running up Bear creek, near Porter's Sulphur spring; thence with the valley of said creek, by T. A. Leftwich's; thence the most practicable route to or near the Big spring on Duck river. Route of Road.

SEC. 5. That the president and directors shall have power to let out said road in small or great parcels as they may think best for the speedy completion of said road.

SEC. 6. That said president and directors shall cause said road to be graded twenty-five feet wide, and within five degrees of a level; with sufficient ditches on each side to carry off the water and drain the same, and shall gradually descend from the centre to said ditches, and shall be substantially paved with gravel or broken stone, at least sixteen feet wide and nine inches deep, and shall have substantial bridges when necessary, and in all respects be completed in a substantial, turnpike-road-like, manner. Style of Road.

SEC. 7. That said president and directors shall be, and they are hereby made a body politic and corporate; may sue and be sued, plead and be impleaded, by the name and style of the Bear Creek Turnpike Company; and shall have all the privileges, rights and immunities, given by law to the Franklin and Columbia turnpike company, not conflicting with the provisions of this act. Incorporation

SEC. 8. That said company may erect a gate, demand and receive tolls on said road, so soon as they shall have completed the distance of two miles thereof, and may Gates and Tolls.

continue to erect gates and receive tolls for every additional five miles, so fast as the same shall be completed.

Carrick W. Nelson's Road. SEC. 10. That the charter granted to Carrick W. Nelson to build a turnpike road in Carter county, passed the 5th of February, 1848, be so amended as to authorize the said Carrick W. Nelson to build a bridge across Watauga river, between David L. Stover's farm and Ben's shoals on said river, so as to permit said road to cross said river, and run on the east side of said river, and commence at Margaret Dugger's instead of Anselon Carden's.

SEC. 11. *Be it enacted*, That Wm. W. Dugger, Ezra Hardison, David Fogleman, Ira Hardison, Stephen Hancock and Samuel Hayes, be added to the list of commissioners.

Mill Creek Valley Turnpike Company. SEC. 12. *Be it enacted*, That it shall be the duty of the Governor of Tennessee to appoint one director on the part of the State in the board of directors for the Mill Creek Valley Turnpike Company, and that the charter of said road be and the same is hereby so amended that the stockholders shall hereafter elect six directors in said board.

SEC. 12. *Be it further enacted*, That when the Governor shall be satisfied that five miles of said Mill Creek Valley Turnpike has been completed, in all respects, agreeably to the requirements of its charter, he may and is hereby required to authorize said company to erect one toll gate on the same, which shall be located at least five miles from the first toll gate on the Nolensville turnpike road, anything in the acts heretofore passed incorporating the same to the contrary notwithstanding.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 5, 1850.

CHAPTER CXXXIII.

An Act to amend the Act for the protection of public buildings, and for other purposes

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be, and is hereby declared to be a misdemeanor, to be punished as other offences of that description are, for any person to de-

face, or in any manner damage any meeting house, church, camp-ground, or any of the appurtenances to either, or to injure any spring, well, or any water used by any worshipping people at any such place.

SEC. 2. *Be it enacted*, That it shall be, and is hereby School Houses. declared to be a misdemeanor, to be punished as aforesaid, for any person to deface, damage, or injure any school house, or its appurtenances thereto, or in any manner to injure any property belonging to any school district, or any person owning and holding the same for the purposes of schools.

SEC. 3. *Be it enacted*, That the provisions of this act Grave yards. shall also extend to burying grounds; and also, to persons moving into any tent or tents, out houses, &c., belonging to any worshipping assembly, without leave from the person or persons authorized to rent or grant leave for such persons to enter and occupy said tents and out-houses as aforesaid.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed November 19, 1849.

CHAPTER CXXXIV.

Act to empower the County Court of Marion county to authorize the erection of a free bridge across Sequatchee River.

Be it enacted by the General Assembly of the State of Tennessee, That the county court of Marion county is hereby authorized and empowered, (if in the opinion of said court it would be for the general interest of the county) to authorize the erection of a free bridge across Sequatchee River, at or near the point at which the road, leading from Jasper to Trenton, in Georgia, crosses said river; *Provided*, The said bridge shall be so erected as not to impede or obstruct the navigation of said river, except when said river is unusually high.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CXXXV.

An Act to repeal so much of the Act of 1835, chapter 47, as prohibits the publishing of lottery schemes by publishers of newspapers in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fourth section of the above recited act be and the same is hereby repealed.

SEC. 2. *Be it enacted*, That the third section of an act entitled an act to change the law in relation to forcible entry and detainer, passed 31st December, 1847, be and the same is hereby repealed.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CXXXVI.

An Act supplemental to an Act passed 8th January, 1846, chapter 55, entitled an Act concerning corporations.

Be it enacted by the General Assembly of the State of Tennessee, That in addition to the corporate officers named in the act to which this is a supplement, service of leading process on the chief agent of corporations residing at the time of service in the county where the action is brought, shall be deemed a sufficient service; *Provided*, That neither the president, cashier, treasurer, or secretary of such corporation resides in this State.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 23, 1850.

CHAPTER CXXXVII.

An Act to incorporate the Elm Hill and Oak Grove Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the* Incorporation.
State of Tennessee, That the persons who may become stockholders pursuant to the provisions of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of the Elm Hill and Oak Grove Turnpike Company, and by that name may sue and be sued, plead and be impleaded, shall have a corporate seal and succession for ninety-nine years.

SEC. 2. *Be it enacted,* That Dr. James H. Charlton, Commissioners.
 John Mullins, L. B. White, Moses R. Buchanan, William Finney, Thomas J. Mabry, Col. J. Jackson, Maj. Bell, Jarrett Sanders and William Sanders, they or any five of them, are hereby appointed commissioners to open books to receive subscriptions for stock in said company, at such times and places as they may deem most suitable, said books to be opened within three months from the passage of this act; such subscriptions may be made in money, materials or labor, to be valued at cash valuation by disinterested persons appointed by the parties concerned, and such valuation shall be deemed as so much stock in said company. If the whole extent of said road shall not be so taken in labor and materials, the residue may be let out for construction to the lowest bidder at public or private lettings by directors elected by the stockholders or other authorized agent or agents.

SEC. 3. *Be it enacted,* That the capital stock of said Capital Stock.
 company, shall be five thousand dollars, with the privilege of increasing the same, and that said capital stock be divided into shares of twenty dollars each to be applied in the construction and keeping in repair a turnpike road, beginning near the eleven mile post on the Murfreesborough turnpike, and running from thence eastwardly about five miles to Elm Hill, and thence to Stone's river, crossing the same near to W. R. Buchanan's mill, said road to be ten miles long. But the President and Directors may extend the same passing near the Oak Grove meeting-house, until it intersects the Lebanon and Murfreesborough turnpike, under the provisions of this act.

SEC. 4. *Be it enacted,* That when three thousand dol- Gates and tolls.
 lars shall be subscribed, a meeting of the stockholders may be held at Elm Hill, of which due notice shall be

given to the subscribers, and when convened may proceed to elect five directors who shall be stockholders, and three of whom shall constitute a quorum to do business, to pass by-laws and organize the company, and commence the construction of said road, and so soon as five miles shall be completed, the said President and Directors shall have the power to erect one toll gate, and for every additional five miles completed by them, they may erect an additional gate at each of which they are hereby authorized to charge and receive the same rates of toll allowed by the Nashville and Murfreesborough turnpike company, and it shall not be lawful to open or construct any other road to run parallel to, and so near the said turnpike as materially to injure the same.

Organization.

SEC. 5. *Be it enacted*, That at the first meeting each stockholder shall be entitled to one vote for every share of stock subscribed by him. The Directors so elected shall elect one of their number President, one Secretary, and another Treasurer, and it shall be the duty of the President and Directors to have the said road constructed, and shall have the entire management of the same. They shall hold their offices for one year and until their successors shall be elected, and said election shall be held about the 1st of January in each year, but it shall be the duty of the President to give at least ten days notice of the time and place of holding such election.

Damages.

SEC. 6. *Be it enacted*, That for the purpose of making said road and keeping it in repair, the Directors or their agents may cut, dig and quarry, and take from the lands of any person within one mile of said road, such and so much timber, rock, earth or gravel, as may be necessary for said purposes, and if any person or persons over whose lands said road shall pass, or from whose land such materials may be taken, shall derive compensation therefor, and in the event they cannot settle and agree with the said directors as to the damages done their lands, or the value of such materials so taken, he, she or they, may apply to any justice of the peace in the county, who shall appoint three disinterested freeholders, whose duty it shall be to estimate the value of such materials or of the damages so occasioned, and make out a report or certificate thereof in writing upon oath to the injured party or parties, taking into view always the advantages and disadvantages of said road to said lands, and such assessment of damages or valuation of materials, if any, may be recovered before any tribunal having cognizance thereof.

SEC. 7. *Be it enacted,* That said road shall be graded Style of road. at least twenty-two feet wide, with sufficient ditches on either side to carry off the water and drain the same, and shall be substantially graveled or paved sixteen feet wide and averaging nine inches deep, shall gradually descend from the middle to the ditches, and in all respects to be completed in a faithful turnpike road manner.

SEC. 8. *Be it enacted,* That should said road not be kept in good repair for ten days in succession, it may be lawful for any person to apply to a justice of the peace in the vicinity of the road, and inform him of the condition of the road, and it shall be the duty of said justice of the peace to appoint three disinterested freeholders to examine said road and to report upon oath, and if they so report or any two of them, that the road is not in good repair as required by this act, the said justice of the peace shall direct the constable to open the nearest gate and stop the collection of tolls, until the same shall be duly and fully repaired, as required by this act, and the said President and directors shall pay the cost of this proceeding, but if it shall appear that the road is in good repair, the case shall be dismissed at the cost of the informant. Penalty for road out of repair.

SEC. 9. *Be it enacted,* That if any person shall refuse or neglect to pay the toll hereby granted, but shall pass said gate without paying the same, the toll gatherer may lawfully refuse to such person a passage, and said toll gatherer may by warrant from any justice of the peace, recover from such person so refusing, the sum of five dollars for each such offence for the use of the company, and if any person shall travel on said road and come near to a toll gate, and then turn off the same and go around the gate and return to said road beyond such gate for the purpose of avoiding the payment of toll, he shall be subject to the same liabilities as set forth in this section, concerning persons passing such gate and refusing to pay his toll. Penalty for avoiding gates

SEC. 10. *Be it enacted,* That the stockholders shall have the right of transferring their stock by sale, gift or otherwise, as they may desire, and the assignee or assignees of said stock so transferred shall be entitled to all the rights, privileges and immunities, and subject to all the responsibilities and liabilities of the original members of the company. Transfer of stock

SEC. 11. *Be it further enacted,* That when Samuel S. W. Atkinson's W. Atkinson shall complete the bridge over big Harpeth river on the road from Nashville to Charlotte, and free it from debt by his own means, and by the aid of road.

such subscriptions as may have been heretofore made, and extend the graded road towards Charlotte in Dixon county, so as to make full fifteen miles of graded road from the end of the Charlotte turnpike road, he may charge and collect at his gate, about one mile east of said Harpeth river, double the rates of toll allowed by law at his gate on the ridge, or by each gate on the Charlotte turnpike road; *Provided*, that said bridge shall remain open and free for the passage of all persons free of toll; *and provided further*, that he have but the one gate on said last ten miles of said road.

SEC. 12. *Be it further enacted*, That if any person or persons will pay or cause to be paid said Atkinson, on or before the 1st day of January, 1851, a just and reasonable compensation for his work done on said bridge and in extending said graded road, (such compensation to be ascertained by each party concerned choosing one disinterested freeholder, and the two thus chosen shall choose a third who shall examine said work and estimate the value of the same, and their decision or any two of them shall be binding upon the parties and recoverable before any jurisdiction having cognizance thereof,) then and in that case, upon the payment of such estimation—all the privileges and immunities herein granted to said Samuel W. Atkinson shall forever cease.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 24th, 1850.

CHAPTER CXXXVIII.

An Act giving further time to perfect Titles to Lands in this State.

Be it enacted by the General Assembly of the State of Tennessee, That further time be given until the first day of September, 1851, for making Surveys, and attaining Grants on all entries heretofore made in any of the land offices in this State.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 24, 1850.

CHAPTER CXXXIX.

An Act to alter and change the dividing line between the counties of Smith and DeKalb.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the dividing line between the counties of Smith and DeKalb, be so altered and changed as to include Nicholas Smith, Andrew Vantreece, and John Robinson's residences and farms, and others, in the county of DeKalb, to wit: Beginning at the south bank of Smith's Fork, where the line of DeKalb county leaves said creek, (John Reynold's north-east corner,) thence down said creek with its meanders, to where the road crosses the same, some three or four hundred yards below said Smith's mill, and thence east with said road to said Robinson's north-west corner, and thence east with said Robinson's north boundary, to the top of the ridge—and thence north-east with the dividing ridge between the waters of Long Branch and Cove Hollow, to Caney Fork river, near the mouth of Cove Hollow, and thence up said river to the DeKalb county line.

Sec. 2. *Be it enacted*, That the line between the counties of Smith and DeKalb, be so changed as to include the farm and residence of John F. Goodner, in the county of DeKalb, to wit: Beginning at Jesse D. Allen's north-east corner, running north-east with said Goodner's line to his north-east corner, and thence south-east with said Goodner's line to the DeKalb county line.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, Feb. 1, 1850.

CHAPTER CXL.

An Act to incorporate the Trustees of Dixon Springs Female Academy, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That David Burford, Henry Brooks, William S. Alexander, James H. Vaughan,

Hugh H. Bradley, H. S. Crain, and Archibald DeBow, be and they are hereby constituted a body politic and corporate, by the name of the Dixon's Springs Female Academy, and shall have perpetual succession, and be capable in law or otherwise, to purchase, receive and hold to themselves and their successors, any lands, tenements, goods, or chattels, which may be given, granted, or devised to them, or purchased by them for the use and benefit of said Academy, and to appropriate, use, and dispose of the same, in such manner as to them, may seem fit and proper for the use and benefit of the Academy aforesaid; and the said Trustees and their successors by the name aforesaid, may sue and be sued, and be impleaded, in any court of law and equity in this State, or elsewhere.

Powers.

SEC. 2. *Be it enacted*, That the Trustees aforesaid, and their successors, shall have power to hold such meetings at the said Academy, at such times as may be agreed upon from time to time, by a majority of the board of Trustees aforesaid, and their successors, to appoint a President, Secretary, and Treasurer, of said board, and fill all vacancies that may happen by death, resignation, or otherwise; also to adopt such rules and regulations from time to time, as to them may seem right and proper for the election of their successors in office, and who shall be entitled to vote for said Trustees, a majority of said Trustees being present at the adoption of such regulations; and a quorum of not less than three members, shall transact any business relating to the management, interest, or government of said institution.

Trustees elected annually.

SEC. 3. *Be it enacted*, That the Stockholders of said Academy elect Trustees annually, and in case they fail to elect Trustees, that the trustees then in office, be and remain until an election shall take place.

May make by-laws.

SEC. 4. *Be it enacted*, That said board of Trustees, and their successors in office, together with their Secretary and Treasurer, shall have power from time to time, to make such by-laws, rules and regulations relative to said Academy, and the government thereof, and their own proceedings, as a majority of said board may deem right and proper, *Provided*, they are not inconsistent with the constitution and laws of the United States, and of the State of Tennessee.

Planters' Manufacturing Co.

SEC. 5. *Be it enacted*, That a body corporate and politic, is hereby created, by the name and style of the Planters' Manufacturing Company, to be located in the county of Rutherford.

SEC. 6. *Be it enacted*, That said company is incorporated for the same purposes as the Nashville Manufacturing Company, established by an act passed on the 2d day of January 1850, and shall possess all the privileges and immunities of said company—and subject to all its liabilities, and with the same capital stock and number of shares. Powers and Capital stock.

SEC. 7. *Be it enacted*, That L. H. Carney, James F. Henderson, William Spence, Charles Ready, E. A. Keeble, Levi Wade, William D. Neal, H. M. Burton, Willis Snell, Lewis M. Maney, and John Leiper, be appointed Commissioners to open books for subscription, and organize said Company under the rules and restrictions prescribed in the before recited act. Commissioners.

SEC. 8. *Be it enacted*, That all persons who may become subscribers and stockholders, pursuant to this act, shall be and are hereby constituted a body corporate and politic, by the name and style of the Mifflin Manufacturing Company, for the purpose of spinning cotton, and of manufacturing and weaving cotton or woollen goods, at or near Mifflin, in the county of Henderson, in this State, and by that name and style may sue and be sued, plead and be impleaded, and have and use a common seal, and the same to alter at pleasure; to purchase, and hold property, real, personal and mixed, and the same to sell, and transfer and assign at pleasure, and have all the rights and privileges appertaining to bodies corporate and politic, and shall have succession. Mifflin Manufacturing Co

SEC. 9. *Be it enacted*, That Obed F. Hendricks, William B. Hall, Richard S. Bradford, William C. McHanney and Abel Greer, are hereby appointed Commissioners to open books to receive subscription for stock, and they shall on the first Monday in April, after the passage of this act or sooner, if they shall deem it expedient, open books at Mifflin, in the county of Henderson, and at such other places as they may think proper, after having given fifteen days notice, for the purpose of receiving subscriptions as aforesaid, and the said Commissioners shall not be bound to receive subscriptions for stock, unless the same be considered solvent, or the payment of which in some manner is secured. Commissioners.

SEC. 10. *Be it enacted*, That the capital stock of said company shall be forty thousand dollars, with the privilege of increasing the same to seventy-five thousand which shall be divided into shares of fifty dollars each, and so soon as fifteen thousand dollars of the stock is subscribed, the Commissioners, or a majority of them, Capital Stock.

Elections.

shall be sufficient for the transaction of business, shall, upon notice given, call a meeting of the Stockholders, who shall proceed to elect five persons as Directors, out of their own body by ballot, and in said election each Stockholder shall be entitled to a vote for each share, and immediately after said election of Directors, they shall proceed to elect from their own body, a President, and such other officers as they may deem necessary, which said President and Directors shall hold their office for two years, and until their successors are elected and qualified, and in said election, and all others by said company, the Stockholders may vote by proxy, as well as if the same was in person.

Power of Boards.

SEC. 11. *Be it enacted*, That the business of said corporation shall be managed by the President and Directors, and they shall have power to make and establish such rules, regulations, and by-laws, as they may deem necessary for the management of said corporation; and the said President and the majority of said Directors, shall have power to fill by appointment, all vacancies that may happen in said board, by death, resignation, or otherwise, until the next election, and shall have power to appoint such agents or clerks, as they shall think fit, and to take from them such security for the performance of their duties as may be proper, and to remove them at any time, at pleasure.

Calls of Stock.

SEC. 12. *Be it enacted*, That the President and Directors, or a majority of them shall have power to demand of the Stockholders, the amount of their subscriptions, or such proportions as they shall think fit, upon giving fifteen days notice of such call, and should any subscriber fail to pay the amount so called for, the same shall be forfeited to said company, and the said company may sue and recover by action of debt before any Justice of the peace or other tribunal having jurisdiction thereof, all sums by them subscribed as aforesaid.

SEC. 13. *Be it enacted*, That the stock and property of said corporation shall be assignable and transferable on the books of said corporation, in such manner as shall be prescribed.

SEC. 14. *Be it enacted*, That a dividend of the profits of said corporation shall be made semi-annually, or oftener if desired by the company, and the President and Directors shall cause to be kept proper books of the business of said company, which at all times shall be subject to the inspection of the Stockholders—and the President and Directors on going out of office, shall

pay over to their successors, all monies and effects of said company in their hands.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Feb. 2, 1850.

CHAPTER CXLI.

An Act to authorize the bringing of an action of Trespass on the case, or trespass, at the election of a party, where, by the existing laws, trespass would lie.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases where an action of Trespass would lie by the existing law, it shall be lawful to bring an action of Trespass on the case, or Trespass, at the election of the party.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, Feb. 3, 1850.

CHAPTER CXLII.

An Act to explain that portion of the first section of an Act passed 5th Feb., 1848, entitled an Act to amend the revenue laws in relation to capital at interest.

Be it enacted by the General Assembly of the State of Tennessee, That the section above referred to, shall be so construed as to embrace money of orphans, legatees, and distributees, in the hands of Guardians, Executors or Administrators, and by them loaned or deposited at interest.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Feb. 2, 1850.

CHAPTER CXLIII.

An Act to amend an Act, entitled "an Act, to amend the practice in Chancery Courts; and to diminish the expense of suits in said courts." Passed January 20th, 1846.

Be it enacted by the General Assembly of the State of Tennessee, That the 14th section of the Act passed January 20th, 1846, entitled, an Act to amend the practice in the Chancery Courts, be so amended that the Chancellor shall allow but one jury trial in any case, but as many issues may be submitted as may be desired by either of the parties litigant, to the jury, *Provided,* the Chancellor may grant a new trial as is provided in the said fourteenth section of said act.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Feb. 5, 1850.

CHAPTER CXLIV.

An Act to alter the line between the counties of Rutherford and Bedford

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line which now divides the counties of Bedford and Rutherford, be and the same is hereby altered, so as to run as follows, to wit: From — Hendrix's south-west corner, with S. H. Little's south boundary line, due east 84 poles to the said — Hendrix's and Little's south-east corner; thence due east, two hundred and forty-eight poles—to the Rutherford county line—so as to include S. H. Little and William Smotherman, and their lands, in the county of Rutherford: *Provided,* this act shall not take effect until after the tenth day of March, eighteen hundred and fifty.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 23, 1850.

CHAPTER CXLV.

An Act to authorize the issuance of executions for the benefit of a sheriff, coronor or constable.

Be it enacted by the General Assembly of the State of Tennessee, That where for an insufficient return, or a failure to return an execution or *venditioni exponas*, a judgment has been or shall hereafter be taken against a sheriff, coroner, or constable and their securities alone, and such sheriff, coroner, or constable, or their securities, has paid or shall pay the amount of such judgment and costs, it shall be lawful for an execution to issue upon the original judgment or decree for the benefit of such sheriff, coroner, or constable, or their securities, if the said judgment shall have been paid by the securities; *Provided*, the clerk of the court, or justice of the peace, as the case may be, shall endorse upon said execution or *venditioni exponas*, at whose instance the same may be issued, and said person or persons shall be liable for all costs and damages that may accrue therefrom.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 2, 1850.

CHAPTER CXLVI.

An Act to repeal a part of the 2d section of an Act passed 4th February, 1848.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the 2d section of an Act passed the 4th day of February, 1848, chap. 132, as authorizes the filing of bills in Chancery by the citizens of Jefferson county in the chancery court at Greenville, in the county of Greene, be and the same is hereby repealed.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Feb. 6, 1850.

CHAPTER CXLVII.

An Act to add to the Common School fund of the State, the residue of funds now in the Treasury, arising from the sales of lands south and west of the Congressional Reservation line.

Be it enacted by the General Assembly of the State of Tennessee, That the balance of \$11,703 32, arising from sales of lands south and west of the Congressional Reservation line, and now remaining in the Treasury, be added to the Common School fund of the State of Tennessee, and invested in bonds of the State the interest and profits from which, shall be distributed among the Common Schools of the State, as other interest and dividends of other School funds are now distributed by existing laws.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 6, 1850.

CHAPTER CXLVIII.

An Act to require proof to be taken by the Secretary of State upon all accounts presented to the Legislature for payment.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall be the duty of the Secretary of State to examine all accounts presented to the Legislature for payment, and require such proof, as will be satisfactory to establish the justice and reasonableness of the charges, together with the affidavit or affidavits of the claimants, and he shall certify accordingly upon each claim.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 9, 1850.

CHAPTER CXLIX.

An Act to appoint an additional Director in the banking district including the Branch Bank at Trenton.

Be it enacted by the General Assembly of the State of Tennessee, That an additional Director shall be appointed for the banking district of the Branch Bank of Tennessee at Trenton, who shall reside in the county of Benton.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed Dec. 13, 1849.

CHAPTER CL.

An Act to secure more effectually the accounting for and paying over monies arising from the sales of property under decrees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all Clerks of the Circuit, Chancery, or Supreme Courts, elected or appointed after the passage of this act, when appointed by the court of which they are clerks respectively, to act as special Commissioners, to sell property under any decree of the court of which he is clerk, or as receiver, shall, together with their securities, be liable under their bonds, for the faithful discharge of their official duties, executed by them under the act of 1794, chapter 1, section 2, for all such sums of money as may come into their hands, by virtue of said appointment, as special commissioner or receiver. Clerks made liable as Commissioners or receivers.

SEC. 2. That it shall be the duty of the Judges of the Circuit, Chancery, and Supreme Courts, at the first term of their respective courts after the passage of this act, to cause the clerks of said courts, to execute bonds with good security in such sum as the Judge or Judges of said courts may deem sufficient, conditioned for the faithful accounting for, and paying over of all such sums as may come into their hands, as such special commissioners. Clerks to give new bonds.

SEC. 3. That the court shall have the power whenever they deem it necessary, to require a larger bond,

not exceeding double the amount of the supposed value of the property to be sold.

SEC. 4. That in the event the clerks aforesaid fail to pay over the money collected, as special commissioner or receiver, that judgment may be taken by motion against them and their securities, for the amount due with interest and costs, from the time collected.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Dec. 31, 1849.

CHAPTER CLI.

An Act to amend the act of 19th January, 1848, amendatory of the charter of the Memphis Insurance Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said company shall have authority to purchase bills of exchange, predicated on actual shipments of produce having two solvent endorsers thereon, to be shipped from the port of Memphis, and not having more than sixty days to run to maturity; *Provided*, said company shall not have at any one time running to maturity more than three hundred thousand dollars in bills; *and provided*, said company shall not charge a higher premium for exchange, in addition to the lawful discount, than is charged by the Banks of Memphis.

SEC. 2. *Be it enacted*, That said company may receive deposits and pay out the same to the order of the depositors, *provided*, the company shall not employ any part of said deposits in the transaction of its business; *provided*, said company shall pay a bonus of $\frac{1}{4}$ of one per cent upon their whole capital stock for the use of Common Schools.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 9, 1850.

CHAPTER CLII.

An Act granting Joseph L. Wingfield privilege to erect a pier or mast in Tennessee river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph L. Wingfield have privilege to erect a pier or mast in the margin of Tennessee river, at or near his Steam ferry, for the advantage of a buoy boat; *Provided*, the erection of said pier shall not prejudice the property rights of others, and shall not obstruct the navigation of the river.

SEC. 2. *Be it enacted*, That said pier or mast, when erected, shall be subject to the inspection of the county court of Humphreys or Benton counties.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, Dec. 5, 1849.

CHAPTER CLIII.

An Act to amend the act of 1809, chapter 69, section 1, and for the benefit of securities in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where judgments may be rendered against any person or persons, or the heirs or representatives of any person or persons, who was security to any bill, bond or obligation, upon any bond to obtain writs of certiorari and supersedeas, upon a bond conditioned for the successful prosecution of any suit, either in the circuit or chancery court, upon a bond conditioned for the payment of any fine and costs, which may have been rendered against any principal by any of the circuit or criminal courts in this State, or upon a recognizance, it shall be lawful for such security, his, her or their representatives to obtain judgment, by motion, against his, her or their principal obligor or obligors, or their representatives, for the full amount of the judgment and costs so rendered; *provided*, the party so applying for judgment as aforesaid, shall produce to the court, a copy of the bond, by which he or they became security, and a copy of the record showing that

judgment has been rendered as aforesaid, or a record of the recognizance as the case may be.

SEC. 2. In all cases arising under the provisions of this act, co-securities shall have the same privileges as are now provided for co-securities by the existing laws.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 5, 1850.

CHAPTER CLIV.

An Act to appoint Commissioners on the Montgomery Turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William R. Campbell, David Hall, sr., and Mitchell H. Frogge, be and they are hereby appointed Commissioners upon the Montgomery Turnpike road, commencing on the south bank of Wolf river, in Fentress county, near Crockett's old stand, running through Jamestown in said county, and through Montgomery in Morgan county, to Moses Winter's in the county of Roane, who shall, when notified of this their appointment, perform the duties of commissioners as is required by the act granting the charter for said road.

SEC. 2. That all laws and parts of laws heretofore enacted for the appointment of Commissioners on said road be, and the same are hereby repealed.

SEC. 3. *Be it enacted*, That so much of an act passed on the 5th of February, 1848, as authorizes John Dearmond to charge and receive toll of the citizens of Roane and Morgan counties, at his turnpike gate, be and the same is hereby repealed; and any person living in Roane county, or in Morgan county, shall pass said gate free of toll.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 9, 1850.

CHAPTER CLV.

An Act to incorporate the Tennessee Mining and Manufacturing Company.

Whereas, It is represented to the General Assembly of the State of Tennessee, that Thomas A. Anderson, Jacob McGavock, William W. Masterson, Samuel B. Barrell and Edmund Munroe, and their associates, are the proprietors of large tracts of land near to the line of the Nashville and Chattanooga Rail Road, which lands contain valuable deposits of coal and iron ores, and that they desire to organize a company for operating their said mines, and manufacturing iron and other articles, and that the revenues of the State and the public welfare will be promoted by the organization of the company. Therefore:—

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas A. Anderson, John M. Bass, Jacob McGavock, William W. Masterson, Samuel B. Barrell and Edmund Munroe, or any two of them, be and they are hereby authorized to open books of subscription at such times and places as they may deem proper, and the owners of the shares thus subscribed shall be and the same are hereby created a body politic and corporate, under the name and style of the Tennessee Mining and Manufacturing Company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and prosecute to final judgment, in any court or elsewhere, and have and use a common seal, and change the same at will; with power and authority to purchase, receive in donation, enjoy and possess, estate, real, personal or mixed, and to lease, rent, sell, alienate and convey, or otherwise dispose of the same, with all rights, powers and privileges necessary and proper for them as an incorporated company. Commissioners.
Incorporation.

SEC. 2. The capital stock of the company shall consist of ten thousand shares of one hundred dollars each, of which the lands and mines of the said Thomas A. Anderson, and his associates, may constitute a part at such price as may be agreed on between the said Thomas A. Anderson and his associates, and the President and directors of said company, and the said shares shall be deemed and held as personal property, transferable only on the books of the company. Capital stock.

SEC. 3. The said company may from time to time increase their capital stock; *provided*, it shall at no time exceed ten thousand shares over and above the value

of their real estate; *and provided*, they shall at no time hold more than fifty thousand acres of land.

SEC. 4. The company may erect and carry on Mills and Manufactories, they may construct such rail ways and turnpike roads as may be necessary and proper for the successful management of their business, or to connect their mines or manufactories with the Nashville and Chattanooga rail road, and in case they cannot otherwise obtain the lands, earth, timber or other material wanted for the construction of their roads, they are hereby invested with all the powers, rights and privileges which are by law given to the Nashville and Chattanooga rail road company in relation to the condemnation of lands and materials.

Election.

SEC. 5. When said company shall have been organized by the election of not less than three or more than five directors, the said President and directors may make and establish rules and by-laws for the government of the company, and modify and repeal the same at pleasure.

Liability of stock holders.

SEC. 6. If the capital stock of said company be withdrawn and refunded to the stockholders before the payment of all the debts of the company for which such stock would have been liable, the stockholders shall be liable to such creditor in an action founded on this act to the amount of the sum refunded to them respectively as aforesaid; *Provided always*, That if any such stockholder shall be compelled by such action to pay debts due to any creditor or any part thereof, he shall have the right by bill in equity to call upon all the stockholders to whom any part of said stock has been refunded, to contribute their proportionable part of the sum paid by him as aforesaid.

Contingent liability of Directors.

SEC. 7. If the directors of said company shall declare and pay a dividend when the corporation is insolvent, or any dividend, the payment of which would render it insolvent, knowing such corporation to be insolvent, or that the payment would render it so, the directors assenting thereto shall be jointly and severally liable in an action founded on this statute for all debts due from such corporation at the time of declaring such dividend; *Provided*, That each director present at the time of declaring such dividend shall be held as assenting thereto, unless he shall enter his protest on the books of the company against declaring such dividend.

Charter may be rescinded.

SEC. 8. The General Assembly may for just cause rescind the powers and privileges hereby granted an

prescribe such mode as may be necessary or expedient for the settlement of the affairs of the company.

SEC. 9. The stockholders shall be jointly and severally individually liable, for all debts that may be due and owing to all their laborers, servants and apprentices for services performed for such corporation.

SEC. 10. *Be it enacted*, That the act authorizing the construction of a bridge across Elk river where the Richland and Elk river turnpike road crosses the same, passed at the present session of the legislature be so amended as to authorize owners of said bridge to demand and receive such rates of toll as is received by keepers of ferries on said river at or near said bridge. Elk river bridge.

SEC. 11. *Be it enacted*, That Cyrus Hat, E. T. Levy, Jacob Towson, Thomas Stalker, John Y. Roper, F. W. Duncan, Wesley O. Glesly, Halum Pursley, Jesse Marshall, Daniel O. Pursley, William Robertson, Anderson Bratton and Samuel Sullivan be, and they are hereby appointed commissioners to open books at any time and place they may choose for the subscription of stock to be used in constructing a McAdamized or graded road from Hart's Ferry, on Cumberland river, in the direction of Barren river, Kentucky, which road shall be located according to the wishes of a majority of the stockholders. Hart's Ferry road.

SEC. 12. *Be it enacted*, That so soon as a sufficient amount of stock to complete said road five miles from said Hart's Ferry, on Cumberland river shall be subscribed, that said commissioners shall call a meeting of the stockholders in said company, at Hartsville, by giving fifteen days notice of the time and place; and at said meeting, the stockholders shall elect seven directors, one of whom shall be president, who shall hold their office for two years, and until their successors are elected. Organization.

SEC. 13. *Be it enacted*, That the president and directors may, in such manner as they may think best, increase the stock in said company to an amount sufficient to extend said road to the Kentucky line. May extend road.

SEC. 14. *Be it enacted*, That as soon as five miles of said road is completed and received by the above named commissioners or a majority of them, the company may erect a gate, and receive the same rates of toll allowed the Gallatin and Nashville turnpike company. Tolls.

SEC. 15. *Be it further enacted*, That said company may be allowed to erect a gate for every five miles of road completed and received by said commissioners, or a majority thereof, with the same rights, privileges and immunities, and subject to the same restrictions and

liabilities granted and imposed upon the Gallatin and Nashville turnpike company.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CLVI.

An Act to amend an act entitled an act to extend the limits of the corporation of the town of Knoxville and for other purposes.

SECTION 1. *Be enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the corporation, shall have full power and authority to pass ordinances and by-laws prohibiting disorderly persons from disturbing the peace and quiet of the town, by loud cursing and swearing in the streets, by whooping and hallooing, or other improper disturbances at night, or by publicly blackguarding in the streets, by indecent exhibitions of themselves or by unnecessarily straining horses in the streets.

Mayor and Aldermen may issue process.

SEC. 2. That from and after the passage of this act, said Mayor or any Alderman, shall have power and authority to issue warrants or other process and try all cases of alledged violations of the ordinances and by-laws of said corporation.

SEC. 3. All warrants, or other process, issued by the Mayor or any Alderman of said corporation, shall be executed by any constable of said corporation, who shall be entitled to the same fees as are now allowed other constables for similar services.

SEC. 4. Where any person shall be fined for a violation of any ordinance or by-law of said corporation, passed under the authority of this act, such person shall be dealt with as persons are dealt with, who submit before a Justice of the peace under the small offence law, passed at the last session of the Legislature: *Provided,* That in all cases a right of appeal is given to either party on giving bond and security, as required in other cases.

Limitation of fees

SEC. 5. No fine shall be less than fifty cents nor more than twenty dollars, and all fines under this act shall be paid into the Treasury of said corporation.

SEC. 6. The ordinances and by-laws of said corporation, shall extend to and operate upon all persons and property within the limits of said corporation, except that such property shall not be taxed which is exempted from taxation by the State, and all laws or parts of laws contravening the provisions of this section be and the same are hereby repealed.

SEC. 7. *Be it further enacted,* That the town of ^{Campbellville.} Campbellville, in the county of Giles, and the inhabitants thereof are hereby incorporated in the within described limits, (to wit,) Beginning at John Compton's north west corner of Tan-yard lot at a rock, James Hannah's corner, running thence east with his line sixteen poles to his corner, thence south with the same, twenty-eight poles to Hannah's corner, thence east with same fifty-two poles to his corner, thence south with Thos. G. English's line to his corner, ninety-one poles, thence with his line north eighty-five degrees, east to a large poplar, twenty-nine poles, thence south sixty-two poles to a stake, thence west sixty-six poles to a beech in A. & J. R. Campbell's east boundary, thence north thirteen degrees west with the west boundary of the same sixty-six poles to D. Page's south east corner, thence south seventy-seven degrees, west ten poles and nine links to his corner, thence north thirteen degrees, west thirty-four poles to a stake, thence south seventy-seven degrees, west fourteen poles to a stake—thence north thirteen degrees, west twenty-one poles to a stake in James Hannah's south boundary, thence east with the same fifteen and a half poles to his corner, thence north with the same ten poles to his corner—thence east with the same four poles to his corner, thence north with the same sixteen poles to the beginning—under all the regulations and privileges conferred upon the town of Pulaski in said county of Giles, at the present session of the General Assembly.

SEC. 8. That the constable of the 14th civil District, ^{Elections.} shall on the first Saturday of April next, open and hold an election in said town for Aldermen, who shall serve until the 1st Saturday, in January thereafter, and until their successors are elected.

SEC. 9. *Be it enacted,* That it shall be the duty of the ^{Sparta.} sheriff of White county, to open and hold an election in the town of Sparta, on the 1st Thursday in March 1850, for Mayor and Aldermen of the corporation of said town, and forever thereafter on the 1st Thursday in March in every year.

SEC. 10. That should the sheriff fail or refuse to hold said election, as provided for in this act, then and in

that case the old board shall continue to act until a new board be elected and qualified, and the act of the old board shall be as good and valid as if they had been elected and qualified as above, and the acts of the present board shall be as good and valid as if they had been elected as provided for heretofore, and that anything to the contrary be and the same is hereby repealed.

LANDON C. HAYNES,
Speaker of the House of Representatives,
 JOHN F. HENRY,
Speaker of the Senate.

Passed, Feb. 9, 1850.

CHAPTER CLVII.

An Act to authorize the building of mill dams across Wolf River, in Overton county, and also to authorize T. D. Knight to build a dam across Powell's river, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any and all persons owning lands upon the same are hereby authorized to build mill dams across Wolf River, in Overton county, with proper slopes or wings to such dams, so as not to obstruct the navigation of said stream.

SEC. 2. *Be it further enacted,* That no person who may heretofore have built, or may hereafter build a dam across said stream, shall be liable to indictment, or to damages, for obstructing the navigation of the same, unless boats, rafts and other water craft, might at the time have passed in safety out of said stream, but for the dam.

T. D. Knight. SEC. 3. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for T. D. Knight, to build mills or machinery of any kind, worked by water power, and he is hereby authorized to build dams across Powell's River, and erect any kind of water-works he may think proper: *Provided,* They do not impede the passage of boats descending said river or in anywise injure the navigation of the same.

Allen D. Gentry. SEC. 4. That the county court of Monroe county, shall upon the application of Allen D. Gentry who has erected a mill dam across Tellico river, in the county of Monroe, to appoint three competent persons to exam-

ine the chute placed in the said dam by the said Gentry, under the contracts made with said Gentry, by the commissioners appointed by the General Assembly to improve the navigation of the Tellico River, whose duty it shall be to report the condition of said chute to the county court, of Monroe county, and if said court shall be of opinion, from said report, that said chute answers the purpose contemplated by said contract, and does not obstruct the navigation of said river, the court shall order the same to be certified to the circuit court, and the Attorney General is required to dismiss any proceeding that may be pending in the circuit court of Monroe county, against the said Gentry, for obstructing the navigation of said river.

Sec. 5. That the said Allen D. Gentry shall have the privilege of erecting a temporary dam across said chute in time of low water, to enable him to do more efficient grinding: *Provided*, That the same shall be subject to be opened whenever a boat, or other water craft, is desired to pass through.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 19th, 1850.

CHAPTER CLVIII.

An Act to incorporate Macon Masonic College in the county of Fayette and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of* Incorporation. *the State of Tennessee*, That James A. Hazlett, R. A. Brown, W. H. Manneese, R. L. Walker, Jno. Blackwell, James A. Thompson, J. W. Wright, Lewis Amis, jr., Wm. Burton, Thos. B. Firth, Wm. A. Jones, R. Burrows, jr., and R. J. Yancey, shall be, and they are hereby declared to be a body politic and corporate, by the name of the President and Trustees of the Macon Masonic College, and shall have perpetual succession and be capable in law or otherwise to purchase, receive, and hold to themselves and their successors, any lands, tenements, goods or chattels, which may be given, granted, or devised to them, or purchased for the use and benefit of said College, and to appropriate, use,

and dispose of the same in such manner as to them may seem fit and proper, for the use and benefit of said College aforesaid; and the said President and Trustees and their successors by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity, in this State or elsewhere.

Powers of board.

SEC. 2. *Be it enacted*, That the President of the College with a majority of the Trustees who may be present at the College, shall be a board, adequate to the transaction of business, and in the absence of the President, a majority of the trustees being convened on their own adjournment, may choose a Vice President to act during such absence, and the President, or any Trustee, shall have the right at any time to resign his office by signifying such resignation to the board, and the board shall have power to remove from office the President, Vice-President, or any Trustee, when they may think proper, and to fill all vacancies which may occur in the board by removal, death, resignation, or otherwise.

SEC. 3. *Be it enacted*, That the board shall have full power to appoint a Secretary, Treasurer, Tutors, and all officers necessary for conducting the concerns of the college, and to displace and suspend them at pleasure, and they shall meet on their own adjournment, or at the call of the President, Vice-President, or any two of the Trustees at the college, and they shall have power to adopt any measure they may think proper to advance the cause of literature at said college, and to make any by-laws, rules, and regulations relating to the same, and the government thereof and their own proceedings, as a majority of said board may deem right and proper; and the President and Professors of said college, with the advice and consent of the board, shall have full power and authority to confer on any student in said college, or any other person, the degrees of Bachelor of Arts, Master of Arts, or any other degree known and used in any college or university in any of the United States: *Provided*, they are not inconsistent with the constitution and laws of the United States, or of the State of Tennessee.

Exempt from taxation.

SEC. 4. *Be it enacted*, That the land on which said college shall be situated, and the buildings and other property of the corporation, shall be exempt from taxation.

SEC. 5. *Be it enacted*, That no misnomer or misdescription of said corporation, in any will, deed, gift, grant, devise or other instrument of contract or conveyance, shall vitiate or defeat the same, but that the same

shall take effect in like manner as if the said corporation were rightly named; *provided*, it be sufficiently described to ascertain the intention of the parties.

SEC. 6. *Be it enacted*, That an act passed the 26th October, 1849, entitled an act to appoint a separate board of Trustees, for the male and female departments of Oak Grove Academy, in the county of Bradley, be so amended as to give to the county court of said county, the power, and it is hereby made the duty of said court to appoint at its January term in each and every year the said boards of Trustees, consisting of seven members each.

SEC. 7. *Be it enacted*, That in addition to the number of Trustees appointed by the above mentioned act, that Samuel A. Smith, and Thomas T. Davis, be appointed for the male department, and that P. J. R. Edwards and Wm. H. Tibbs, be appointed for the female department of said Academy.

SEC. 8. *Be it enacted*, That the Trustees appointed by this act, and by the act this is intended to amend, shall serve until their successors shall be appointed.

SEC. 9. *Be it enacted*, That the name of the Female Academy at Macon, in Fayette county, be changed to that of Female Institute, and by that name shall have all the rights, powers, and privileges, conferred under the name proposed to be changed, by this act.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 7, 1850.

CHAPTER CLIX.

An Act to incorporate the Maury county Astronomical Society.

Be it enacted by the General Assembly of the State of Tennessee, That Franklin G. Smith, Edmund Dillahunty, Andrew J. Polk, James H. Otey, Gideon J. Pillow, William E. Kennedy, Abraham M. Looney, Roger B. Mays, Baxter H. Ragsdale, Joseph H. Crawford, Isaac N. Bills, James O. Griffith, Oliver H. Bennett, Madison S. Frierson, John B. Hamilton, and all others who may become members of said society, be and the same are hereby constituted a body corporate and politic, under the name of the Maury county Astronomical

Society, for the purpose of making original observations in Astronomy, and as such, shall have perpetual succession, hold property real and personal, so much as may be necessary for the purposes of acquiring and communicating knowledge of Astronomy and subjects therewith connected, and all such rights and privileges as may be necessary and convenient for the proper management and control of the same; and the same to dispose of as may be most conducive to the best interests of this Society; and said Society shall have power to contract and be contracted with, to sue and be sued in all courts having competent jurisdiction in the premises; and said Society shall have power to use a common seal, and to act by and through their President and Secretary or other agent by them appointed at their discretion; and to hold elections at such times as they may designate for their officers, and shall and may make all by-laws thought necessary for the good government of said Society, and the same to alter and amend at their pleasure.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 23, 1850.

CHAPTER CLX.

An Act to incorporate the East Tennessee Mining and Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William N. Bilbo, John Baird, John Campbell, George W. House, Fountain E. Pitts and such others as may be associated with them as hereinafter mentioned, shall be and they are hereby constituted a body politic and corporate, for the purpose of mining Iron, Coal and other minerals, and for manufacturing, these and other articles in the counties of Marion and Hamilton, and State of Tennessee, by the name and style of the East Tennessee Mining and Manufacturing company, and by that name may have perpetual succession, may sue and be sued, may contract and be contracted with, may have a common seal, may purchase and hold such real and personal estate as they may deem necessary for carrying on the business

of the corporation, and the same to sell or dispose of at pleasure, and may make all needful by-laws, for their government not inconsistent with the laws of the United States or of the State of Tennessee.

SEC. 2. The capital stock of said company, shall consist of ten thousand shares of fifty dollars each, with the privilege of increasing if necessary, to twenty thousand shares—and the directors hereinafter provided for, shall designate and determine what portion of said stock shall be paid in land, and its value, and what portion in cash, which stock shall be deemed personal estate, and transferable in such manner as the by-laws may direct. Capital stock.

SEC. 3. *Be it enacted*, That the affairs of said company shall be managed by a board of directors, to be chosen by the stockholders as soon as practicable after the passage of this act, and to consist of nine persons who shall be stockholders and citizens of the United States, who shall hold their office for one year and until their successors are elected. In every election and at every general meeting the stockholders shall be entitled to one vote, for every share by them respectively, and may vote in person or by proxy. Five of said Directors shall constitute a quorum to transact business, and they may choose a President and such other officers and agents as may be necessary and fix their salaries. A failure to elect directors on the day designated, shall not work a dissolution of the corporation, but such elections may be held at a subsequent time to be fixed by the board of directors. They may declare dividends semi-annually or annually, at which time the President and directors shall make out and submit to the stockholders a full and fair report of the transactions of the company. Organization.

SEC. 4. If any subscriber for stock shall fail to pay the amount subscribed, in such manner as may be prescribed by the directors, the same may be recovered by action of debt in any court of record, or such stock shall be sold upon such terms as the board of directors may prescribe.

SEC. 5. *Be it enacted*, That the aforesaid persons or any two of them, may at any time or place, that they may designate, open books for the subscription of stock.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, Jan. 29th, 1850.

CHAPTER CLXI.

An Act to give Hancock county a Director in the branch of the Bank of Tennessee at Rodgersville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the county of Hancock be allowed and entitled to have a Director in the Branch of the Bank of Tennessee, at Rodgersville, who shall be appointed as other Directors are appointed, and that said Director have all the powers, privileges and immunities of other Bank Directors in said Bank, and that he be subject to the rules, regulations and restrictions that the other Directors in said Bank are subject.

Lauderdale coun-
ty.

SEC. 2. *Be it enacted,* That hereafter the county of Lauderdale be allowed and entitled to have a director in the Branch of the Bank of Tennessee, at Sommer-ville, who shall be appointed as other directors are appointed and that said director have all the power, privilege and immunities of other bank directors in said bank, and that he be subject to the rules, regulations and restrictions that the other directors in said bank are subject.

Blount county.

SEC. 3. *Be it enacted,* That a director be allowed to the county of Blount, in the branch of the Bank of Tennessee, at Athens.

Planters' Bank.

SEC. 4. *Be it enacted,* That the President and Directors of the Planters Bank of Tennessee, are hereby authorized to establish a Branch or office of discount and deposite of said bank at Knoxville, with the same rights, powers and privileges possessed by other branches or offices of discount and deposite of said Bank in this State, in relation to the establishment of branches or offices of discount and deposite, and under the same rules, regulations and restrictions, and that the President and directors of the principal bank may from time to time appoint nine directors, who shall manage the affairs of said branch or office of discount and deposite under the direction of the present Bank.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 2, 1850.

CHAPTER CLXII.

An Act for the relief of Thomas L. W. Sawyers, late revenue collector of Claiborne county for the years 1845 and 1846.

Whereas: Thomas L. W. Sawyers, revenue collector for Claiborne county, failed to collect the public revenue as prescribed by law, on account of inability from sickness—the law not allowing such an officer the privilege of appointing a deputy—he being in indigent circumstances, has been very much harassed and deserves the consideration of this General Assembly, and whereas it appears from the comptroller's books that the comptroller audited and issued his warrant on the 12th of July 1847, No. 3390, for six hundred and sixty-six dollars, and thirty-six cents, the amount due from the said Thomas L. W. Sawyers for public taxes in the year 1846, and the said Sawyers failing to pay the same into the Treasury, was reported to the Attorney General, and on motion judgment was rendered against the said Sawyers and his securities at the January term of the Circuit Court for the sum of six hundred and sixty six dollars and thirty-six cents, together with the sum of forty-two dollars and fifty-three cents, for commissions forfeited by the act of 1844, chapter 103,—making the sum seven hundred and eight dollars and eighty-nine cents, with twelve and one half per cent damages and interest:

SECTION 1. *Be it therefore enacted by the General Assembly of the State of Tennessee,* That Thomas L. W. Sawyers, late revenue collector for Claiborne county, be allowed the further time of two years from the passage of this act, to collect all arrearages of taxes for the years 1845 and 1846, and he is hereby empowered to collect or appoint a deputy or deputies to collect the same according to the laws now in force for collecting the public taxes.

SEC. 2. *Be it enacted,* That upon the payment of the said sum of six hundred and sixty-six dollars and thirty-six cents, with interest and costs of the suit, from the 12th day of July 1849; into the Circuit Court Clerk's office of Claiborne county, by the said Thomas L. W. Sawyers, that it shall be received by the said Clerk, as in full for the said judgment, and then the said Thomas L. W. Sawyers and security shall be released from the payment of the remainder of said judgment.

SEC. 3. *Be it further enacted,* That the said Thomas L. W. Sawyers, be allowed the sum of twenty dollars and fifty cents, the amount of insolvencies certified by Credit for insolvencies.

the Clerk of the County Court for the year 1846, which was received by the Comptroller too late for to be allowed by him, and the Clerk of the Circuit Court of Claiborne county, is hereby authorized to allow a credit for the same on the payment of said judgment.

Sheriff released from judgment.
 SEC. 4. *Be it further enacted*, That James B. Smith, Sheriff of Claiborne county, shall upon paying in to the Clerk's office the sum of six hundred and sixty-six dollars and thirty-six cents, with interest from the 12th day of July 1847, together with the costs of suit, be released from any judgment that may have been rendered against him in behalf of the State, for failing to return or for an insufficient return of an execution placed in his hands, against the said Thomas L. W. Sawyers and his securities on the before mentioned judgment.

All sheriffs allowed further time.
 SEC. 5. *Be it enacted*, That all former Sheriffs be allowed the further time of two years, to collect all arrearages for taxes, in addition to the time now allowed by law.

LONDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed, January, 26, 1850.

CHAPTER CLXIII.

An Act to incorporate the Historical Society of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the members of a Society lately established at Nashville, for the collection and preservation of facts, documents and materials, relating to the natural, civil and aboriginal history of the State of Tennessee, and their successors, be and they are hereby created a body politic and corporate, under the name and style of the Historical Society of Tennessee, and in that name shall have power to buy, hold and sell property, sue and be sued, and transact such business and exercise such powers as are incident to corporate bodies.

Elections.
 SEC. 2. That said Society shall have power to pass by-laws for their government, and to enforce them

against individual members; that they shall elect their officers annually, who shall hold their office for one year and until their successors are elected.

SEC. 3. That said Society shall have power to hold so much real estate as may be necessary for a hall or building for their meetings and the preservation and deposite of their books and collections. May hold real estate.

SEC. 4. That they shall have the power to hold any number of Books obtained by donation or purchase, and natural curiosities, manuscripts, varieties, specimens, &c. connected with the object of their association, and all such other articles and things as are usually collected and held by historical and antiquarian societies, and that said society may hold personal property, and funds obtained by contribution of members, or donation by gift, or devise, or any other way, for the furtherance of the objects of their incorporation, and may invest in public stocks or real securities if deemed necessary.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 1, 1850.

CHAPTER CLXIV.

An Act to amend an act, passed January 18th, 1848, entitled an act to authorize Stephen Huff, Peter F. Kindrick and Wm. Robinson, of the county of Cocke, to open a turnpike road in said county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the above recited act be so amended as to exempt all citizens of Cocke county, from the payment of toll for travelling said road; and that all, or any of the citizens of said county, may pass said road free of toll at said proprietor's gate.

SEC. 2. *Be it enacted,* That the proprietors of said road, shall have the right to place and erect their gate Gate. at any point on said road they may think proper; *Provided,* that they shall not have the right to place their gate so as to catch the travel on any cross road, crossing the said proprietors road. *Provided,* That said proprietors shall not erect any gate south of the forks of the road near Alfred Lea, nor shall any gate be

erected south of where the Newport road leading to the Warm Springs intersects said turnpike.

SEC. 3. *Be it enacted,* That the turnpike road leading from Jasper to Winchester, of which Churchwell Jackson is owner and proprietor, be changed so as to locate the same as now used and adopted by said proprietor, as well the portion opened and constructed by said Jackson, as also that whereon the same runs from Swaeton's Cove, intersecting the road near Doran's old stand on the Cumberland Mountain.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed January 31, 1850.

CHAPTER CLXV.

An Act to amend the acts passed in the years 1829, ch. 6, and January 22, 1844, ch. 122.

Be it enacted by the General Assembly of the State of Tennessee, That the several acts of the General Assembly heretofore passed, one in the year 1829, ch. 6, and the other in the year 1844, ch. 122, conferring the power upon the several county courts of this State to order the resident administrator, or executor, or guardian, to pay over to foreign guardians, whatever funds may be in their hands belonging to the wards of said foreign guardians, be so amended, that it shall not be lawful for any county court in this State to make such order, unless in addition to the requirements of said acts, the bond given by such foreign guardian shall embrace all the funds in the hands of the resident administrator, executor or guardian, whether growing out of the sale of the ward's real estate or otherwise.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed, January 10, 1850.

CHAPTER CLXVI

An Act to authorize Daniel Walling to open a Turnpike Road across Walling ridge in Marion and Hamilton Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Daniel Walling is hereby authorized to open a turnpike road, commencing at the western base of Walling's ridge, in Marion county near Josiah M. Anderson's; thence a south direction and best route to the eastern base of said ridge, in Hamilton county, near Esquire Faust's; the extent to be opened, sixteen feet wide, twelve feet in the centre; to be clear of stumps, rocks, and other obstructions, and causeways and bridges, where necessary; and upon the sides of the mountains where the nature of the ground is such that it cannot be extended to the width herein required, said road may be reduced, by the consent of the commissioners, to any width not less than twelve feet, clear of stumps and other obstructions.

SEC. 2. *Be it enacted,* That said road shall allways be kept in repair, and if it shall be permitted to remain out of repair for the space of thirty days at any one time, then it shall be the duty of the commissioners hereinafter appointed by this act, to set said proprietor's gates open, and keep the same open until said road shall be put in good repair, to be adjudged by the said commissioners; and if said proprietor shall, either directly or indirectly, take or receive any toll during the time said commissioners set said gate open, said proprietor, for every such offence, shall forfeit and pay the sum of twenty-five dollars, to be recovered by action of debt before any acting justice of the peace having jurisdiction of the same, by any person who will sue for the same; and if said road shall be permitted to remain out of repair for the space of six months at any one time after the commissioners have set the gate open, said charter shall be forfeited.

SEC. 3. *Be it enacted,* That Burrell Bennett of Marion county, and John Foust, of Hamilton county, are hereby appointed commissioners of said road, whose duty it shall be, when the proprietor notifies them that said road is completed for use, to examine said road; and if said road is, in their judgment, in the order contemplated by this act, they shall proceed to license said proprietor to keep a toll gate upon said road, which license shall be under their hands and seals, and thereupon said proprietor may proceed to erect a toll gate upon said road, and shall be entitled to receive the following rates of toll, to wit: All wagons loaded, drawn by six horses, seventy-five cents;

also, by five horses, sixty cents; by four horses, fifty cents; the same rates if drawn by mules or oxen; empty wagons half price; for carts drawn by mules or oxen or horses, twenty-five cents; for each four wheel pleasure carriage, sixty cents; for each two wheel pleasure carriage, thirty cents; for each man and horse, ten cents; for each horse or mule not in a drove, five cents; for each horse or mule or cattle in a drove, three cents; for each head of hogs or sheep, one cent, that may travel through said gate.

Oath of Commissioners.

SEC. 4. *Be it enacted*, That the commissioners herein appointed by this act shall, before entering upon the duties of their appointment, take and subscribe to the following oath, to wit: I do solemnly swear I will well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and ability, so help me God; and said commissioners shall be entitled to receive two dollars per day, for the time they are engaged in performing the duties enjoined on them by this act, to be paid by the proprietor of said road.

SEC. 5. *Be it enacted*, That if any person or persons shall pass said gate arbitrarily or within one mile thereof, for the purpose of evading said toll, such person or persons shall, for every such offence, forfeit and pay to the proprietor the sum of five dollars, to be recovered before any justice of the peace in the State.

SEC. 6. *Be it enacted*, That the said proprietor shall be entitled to hold and enjoy the privileges of this charter for fifty years, and have two years from the passage of this act to complete said road.

SEC. 7. *Be it enacted*, That the proprietor may, if he chooses, have two gates, one at each end of said road, and be entitled to half toll at each gate.

John Gillintine &
Daniel Walling

SEC. 8. *Be it enacted*, That John Gillintine and Daniel Walling are hereby authorized to open a turnpike road commencing at the town of Spencer, in Van Buren county, and running thence in a direction for Chattanooga, and intersecting the McMinnville and Chattanooga turnpike road upon the top of the mountain, west of Ephraim Thomas's in Marion county.

SEC. 9. *Be it enacted*, That the proprietors of said road be subjected to the same rules, regulations and restrictions, and be entitled to the same rates of toll that Daniel Walling is subjected and entitled to in the foregoing charter.

SEC. 10. *Be it enacted*, That John Flemming and M. Y. Brackett, of Van Buren county, be appointed commissioners of said road, and perform the same duties and receive the same compensation that the commissioners in

the foregoing charter are entitled to: *Provided*, The citizens of Van Buren county be admitted to pass through said gates without paying toll.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 24, 1850.

CHAPTER CLXVII.

An Act to amend the Act of 1848, chapter 219, and extending the Charter of the Lebanon and Big Spring Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act passed 25th January, 1848, chapter 219, entitled an act to incorporate the Montgomery turnpike company, and for other purposes, be and the same is hereby so amended as to authorize the Lebanon and Big spring turnpike company to extend said road to the Cumberland river at Carthage, in Smith county.

SEC. 2. Said company is authorized to increase their capital to sixty thousand dollars; and to put gates for every five miles of said road, as fast as completed: *Provided*, No gate shall be put nearer than one mile of either the towns of Lebanon or Carthage.

SEC. 3. That said company may place their gates ^{Gates} within four miles of each other; provided, there shall not be more than four gates for the whole distance from Lebanon to the river at Carthage.

SEC. 4. *Be it enacted*, That ——— Kerley, Samuel Morrison, Helen Persley, William Robinson, Samuel Sullivan, William Bratton, L. B. Griffith, Thomas A. Williams, John C Marshall, O. F. Staley and King Kerly, be and they are hereby appointed commissioners to open books and receive subscriptions for forming a company to build a McAdamized turnpike road from Lafayette, in Macon county, to some point on the turnpike road leading from Scottsville, in Kentucky, to Gallatin, in this State.

SEC. 5. *Be it enacted*, That when five thousand dollars shall have been subscribed, said commissioners shall call a meeting of said stockholders, at some time and place, of which due notice shall be given by written notice at four places in the vicinity of the contemplated road, and

the subscribers, when assembled, shall elect seven directors, which directors shall thereupon elect such officers, &c., as by this act directed, to which this refers.

Lafayette & Sum-
ner Turnpike
Company.

SEC. 6. *Be it enacted*, That the capital stock of said company shall be fifteen thousand dollars. Said company shall be styled and known by the corporate name of the Lafayette and Sumner Turnpike Company; and shall have all the rights, powers and privileges, and be subject to all the liabilities of the Lebanon and Trousdale Ferry turnpike company, chartered at the present session of this General Assembly.

SEC. 7. *Be it enacted*, That any forfeiture or penalty prescribed in the charters of roads for passing gates without the payment of toll, or any other offence designated in such charters, or the laws of the land, shall be sued for and recovered in the corporate name of such company, and enure to their benefit: *Provided*, That this enactment shall only effect such companies as may accept it as a part of their charter by a vote of their board of directors or stockholders.

SEC. 8. *Be it enacted*, That the said section of the act for the incorporation of the citizens of every town, village or city, in the State of Tennessee, who may desire it, be so amended as to authorize the town, village or city incorporated under the provisions of said act, to open, improve or repair the streets, alleys and sidewalks of such town, village or city.

Lebanon and
Trousdale Ferry
Turnpike Road

SEC. 9. *Be it enacted*, That the Lebanon and Trousdale Ferry turnpike road shall be graded to five degrees instead of four.

LONDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed February 1, 1850.

CHAPTER CLXVIII.

An Act to authorize Andrew Stone, of Marion County, to open a Turnpike Road:

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Andrew Stone, of Marion county, be and he is hereby authorized to open a turnpike road: Beginning at the south bank of Tennessee

river, at Gardenhire's ferry, in Marion county; thence from said ferry, keeping mainly the road now used, making such deviation as the commissioners, hereafter to be appointed by the county court of Marion county, shall permit, direct, so as to get the road on better ground, or to shorten the distance, to a creek called Running Water; thence with said road, with such deviation as above, to the Georgia line; in the direction of Chattanooga, Tennessee; said road to be opened in two years from the passage of this act, agreeably to the provisions of a charter, passed at the last session, permitting T. P. Kelly, of Marion county, to open and cut out a turnpike road, chapter 78, section 10, with the exception that, by this charter, said Andrew Stone shall not be required to build a bridge; and said Stone be entitled to take one half the tolls, and subject to all the restrictions of said Kelly on said road.

Route of Road.

SEC. 2. *Be it further enacted*, That the county court of Marion county, at the January term, 1850, or at any time thereafter, appoint two commissioners on said Stone's road, who shall have all the powers and be subject to all the restrictions of the commissioners on said Kelly's road.

SEC. 3. *Be it further enacted*, That the privileges conferred by this charter, shall continue with the restrictions herein provided for, for the term of thirty years.

SEC. 4. *Be it further enacted*, That the citizens of Marion county be exempt from paying toll on said road.

SEC. 5. *Be it enacted*, That William Ward, Thomas A. Kelly, David Dobbs, Jesse Taylor, of the county of Perry; H. C. Fryor, Wm. Johnson, Jacob F. Fisher and Samuel A. Yarbrow, of the county of Decatur; Mitchell Brooks, Blunt Jones, Mills Durden and James Glass, of Henderson county, be appointed commissioners to open books to receive subscriptions of stock to construct a turnpike road, intersecting the Western Central turnpike road at Linden, or at any point between Linden and Tennessee river; thence across Tennessee river at Ward's ferry; thence through Decaturville to Lexington, in Henderson county.

Linden and Lexington Turnpike Road.

SEC. 6. *Be it enacted*, That said commissioners, in each county, may open books, at their respective county seats, whenever they choose, having first given thirty days' notice by publication at their respective county seats; the capital stock shall be thirty thousand dollars, with the privilege of increasing it to fifty thousand; and as soon as ten thousand dollars shall be subscribed, a meeting of the stockholders shall be held at Decaturville, (notice being first given in writing to the stockholders by the commis-

sioners,) to elect a board of directors, &c.; and said company shall be governed by the same rules and regulations, and entitled in all things, to the same privileges, and subject to the same liabilities of the Western Central turnpike company, chartered at this session of the Legislature.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 7, 1850.

CHAPTER CLXIX.

An Act to amend An Act Incorporating Lewisburg, in Marshall County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the mayor and aldermen of the town Lewisburg, shall have power to cause foot pavements and sidewalks to be constructed and repaired in the streets of said town and on the public square, by the owner or owners of lots adjoining the same; and if the owner or owners of any lot shall fail to comply with the provisions of such by-law or ordinance within such time as may be prescribed thereby, the mayor and aldermen may contract with some suitable person or persons for the construction or repair of the same, and pay therefor, and the amount paid by said corporation shall constitute a charge against the owner or owners of the lot or lots, to be recovered by suit, in the name and for the use of the corporation, before any circuit court or justice of the peace; when the amount is within the jurisdiction of a justice of the peace, such suit shall be instituted before a justice, and the amount paid by the corporation, shall be a lien on said lot.

Limits of Fayetteville

SEC. 2. *Be it enacted,* That the corporate limits of the town of Fayetteville be extended so as to embrace the ground contained in the following boundaries, to wit: Beginning at the southeast corner of lot number sixty-one, in the plan of said town; thence south to the southeast corner of lot number forty-four; thence south thirty-three degrees east, twelve poles, lacking seven links, to a stake; thence fifty-six and three-quarter degrees east,

thirty-two poles lacking seven links; thence north forty degrees west, twelve poles; thence south sixty-one degrees west, fourteen poles, lacking fourteen links, with the church lot; thence north six degrees west, three poles and four links to a post of the church fence; thence west fourteen links to a stake; thence north six degrees west, four poles and two links to a stake; thence east fourteen links; thence north six degrees west, ten poles crossing the road to George Gant's line; thence south sixty-one degrees west, with the line of said Gant twelve poles and seven links to the beginning.

SEC. 3. *And be it further enacted*, That the corporate Limits of Lexington. limits of the town of Lexington, in the county of Henderson in this State, be extended in the following manner, to wit: Beginning at the northeast corner of said town; running thence west of north forty-five degrees twenty-six poles to a stake in John Brooks' field; thence south forty-five degrees west, fifty-four poles to a double white oak on the main road leading to Jackson; thence east forty-five degrees south, fourteen poles to a large oak stump; thence south forty-five degrees west, eighty-four poles to a stake in William Collins' field; thence east forty-five degrees south, one hundred and twenty poles to a stake in R. W. Hall's field, and persimmon pointer; thence north forty-five degrees east, one hundred and thirty-eight poles to a stake; thence west forty-five degrees north, one hundred and eight poles to the beginning.

SEC. 4. *Be it enacted*, That the ground included by the extension of the corporate limits of the town of Lexington by this act, and all the citizens thereof, shall be subject to all the laws and ordinances of the corporate authorities of said town; and shall be entitled to all the rights and privileges as those included in the original limits of said town.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 8, 1850.

CHAPTER CLXX.

An Act to charter the Carthage and Hartsville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Benjamin J. Vader, James High, William B. Campbell, William Cullom, Henry B. McDonald, A. W. Overton, Henry B. Hagnie, John O. Cosby, David Burford, Wm. S. Alexander, Hugh H. Bradley, James H. Vaughn, L. P. McMurry, A. G. Donoho, Solomon Debow, — Donoho, A. M. Debow, Jonas W. Locke, E. S. Seay, Jacob Lawson, Wm. K. Patterson, Alfred R. Wynn, and Wm. Hall, be and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of one hundred thousand dollars, in shares of twenty-five dollars, to be applied to making a turnpike road from the top of the ridge near the head of Snow Creek, in Smith county, to the eastern terminus of the Bledsoe Creek Turnpike Company, in Sumner county.

Elections

SEC. 2. That so soon as ten thousand dollars shall have been subscribed, a meeting of the subscribers shall be held at Dixon Springs, of which meeting the managers of the subscription shall give twenty days notice by advertisement at Castilian Springs, Hartsville, Dixon Springs and Carthage; and the said subscribers shall then, or at some subsequent meeting, to be by them appointed, elect a board of seven directors, who shall be stockholders, and who shall elect such officers, agents, and servants of the company as they may think necessary.

Incorporation.

SEC. 3. That said subscribers for stock, when thus organized, shall constitute a body corporate by the name of the Carthage and Hartsville Turnpike Company, and by that name may sue and be sued, contract and be contracted with, and make all necessary rules and regulations, not inconsistent with the laws and constitution of this State, for the successful operations of said company.

Style of Road.

SEC. 4. That said company shall make said road on the same plan of the Lebanon and Trousdale Ferry Turnpike Company, chartered at the present session of this General Assembly, and have all the powers and privileges of said company, and be governed by the same rules, regulations, restrictions and liabilities, except as may be herein otherwise provided.

SEC. 5. That said road shall be graded to within five degrees of a level, at least.

SEC. 6. That so soon as five miles of said road shall

be completed from the intersection with the Bledsoe Creek Turnpike Company, a toll gate may be erected thereon, and toll demanded; and as soon as there are five miles of said road completed from the town of Carthage, either way, a toll gate may be erected for such five miles so completed; toll gates may be erected on said road at any points the directory may think proper; *Provided*, They shall not be placed nearer than four miles of each other; nor shall the number be greater than one for each five miles; and, *Provided further*, That no gate shall be placed nearer than one mile of Carthage, Dixon's Springs, or Hartsville.

SEC. 7. That said company shall not be required to build a bridge across Cumberland River, but a good ferry shall be kept up at the point where said road may cross said river.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 24, 1850.

CHAPTER CLXXI.

An Act to incorporate the Granville Seminary, in the county of Jackson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the trustees to be elected as hereinafter provided for, shall be and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Granville Seminary, and by that name shall have perpetual succession and a common seal.

SEC. 2. *Be it enacted*, That the said trustees and their successors, by the name aforesaid, shall be capable in law to purchase, receive, and hold of themselves, and their successors forever, any lands, tenements, goods, or chattels which may be given, granted or devised to them for the use of said seminary, and to use and dispose of the same in such manner as to them shall seem most advantageous to said seminary; and the said trustees, and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

SEC. 3. *Be it enacted*, That said trustees and their

successors, shall have power to hold meetings, which may be convened by any four of them, not less than six of whom shall constitute a board to do business; the said board shall have power to fill vacancies which may occur by death, resignation, or otherwise, and to transact all business of every description relating to the interest, government and management of said seminary, in such manner as to them shall seem expedient and necessary; provided, said board of trustees shall not have power to make any by-laws, rules, or regulations which may be inconsistent with the laws of the United States or of the State of Tennessee.

SEC. 4. *Be it enacted*, That when any student at said institution may be arraigned for any disorderly conduct that he, she, or they shall be tried by said board of trustees, and such officers as they may have elected, and their judgment shall be a final decision of any such charge, and they shall have jurisdiction of any such charges when the expulsion from said institution or a suspension therefrom is the only question at issue; and no such student shall be expelled or suspended from said seminary except by the judgment and order of said trustees or a majority of them.

SEC. 5. *Be it enacted*, That the board of said trustees shall consist of eleven members, and the principal teacher in said seminary shall be ex-officio a member of said board; and that the first board of trustees shall be elected by the Granville Division of the Sons of Temperance No. 167; that said trustees shall, by a majority of their board, elect a secretary, treasurer, and all other necessary officers.

SEC. 6. *Be it enacted*, That the teachers and students in said seminary shall be exempt from working on the public roads, and from the performance of military duty, while engaged in their duties of said seminary, and that this act shall take effect from and after its passage.

SEC. 7. *Be it enacted*, That William White, Thomas C Smart, Alexander Black, Samuel L. Colville, Robert A. Campbell, Robert B. Cain and Lorenzo D. Mercer, be and they are hereby appointed trustees of the Edmondson Female Academy in Warren county, with full power to appoint successors.

Edmondson Female Academy.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 4, 1850.

CHAPTER CLXXII.

An Act to amend an Act entitled an Act concerning the pay of jurors in the Commercial and Criminal Court of Memphis, passed February 4, 1848.

Be it enacted by the General Assembly of the State of Tennessee, That the county court of Shelby county shall pay all jury tickets issued by the clerk of said court, and of the criminal court of Memphis, prior to the passage of the act of which this is an amendment; and that all tickets, issued prior to the passage of said act, shall have preference to tickets issued subsequently, as to payment.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 7, 1850.

CHAPTER CLXXIII.

An Act to amend the charter of the Tennessee Central Railroad Company.]

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the act passed on the 28th day of January, 1848, incorporating the Tennessee Central Railroad Company, be and the same is hereby so amended that the commissioners appointed by said act to receive returns of subscriptions to the stock of said Railroad Company, and to re-open books for subscriptions to the same, be authorized, by themselves or agents, to keep the books for subscriptions open until the first day of January, 1853, unless the number of two thousand shares, necessary to the organization of said company shall have been previously subscribed; upon the ascertaining which at any time the commissioners aforesaid shall give notice thereof, and call a general meeting of the stockholders for the purpose of electing a board of directors according to the charter; and the said commissioners shall, when two thousand shares shall have been subscribed, have authority to cause a preliminary survey of the route for the road to be made according to the charter, which may be adopted by the board of directors, when elected, as the final location of the Central Railroad.

SEC. 2. That the said commissioners, by themselves or agents, shall be authorized to open books for subscription to the stock of the Branch of said Central Railroad, authorized by the charter to be constructed, "from some point in Maury county, to Nashville," and to keep them open at such times and places as they may deem proper; and when the number of one thousand shares shall have been subscribed, said commissioners shall cause a preliminary survey of said Branch Railroad to be made, but no final location of the same shall be made until the full organization of the company, and the election of a board of directors according to the charter, which board shall have authority to make the final location, and to contract for the construction of the same, when in their judgment a sufficient number of shares shall have been subscribed to justify them in proceeding with the work; and said directors shall have the same powers and privileges in reference to said Branch Railroad as are granted by the charter to the Tennessee Central Railroad Company.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 30, 1850.

CHAPTER CLXXIV.

An Act to incorporate the Trustees of a College to be located in Giles county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Archibald Wright, Charles C. Abernathy, A. M. Ballentine, James Patterson, Jas. McCollum, Thomas Martin, Thomas M. Jones, Jacob Voorhies, John Woodfin, Ben. Carter, William Brown, William W. Patton, Giles A. Reynolds, John Edwards, Richard Abernathy, William L. McLellan, Thomas Buford, William Perry, Samuel S. Smith, Albert Buford, Gilbert D. Taylor, Robert B. Harvey, Thomas J. Lane, Ananias Oliver, James White, Charles N. Ordway, Thomas E. Abernathy, John Kennedy, Spencer Clack, Robert Rodes, Joshua Morris, Thomas H. Meredith, William B. Stokes and Thomas J. Brown, or such of them as may consent to serve, and their successors in

office, be and the same are hereby constituted a body politic and corporate by the name of the trustees of Giles College, in the State of Tennessee; said College to be located at Pulaski; provided that in case a donation of ten thousand dollars shall be made to the college by any person or persons, then the institution may by an act of the board of trustees, receive a name in honor of such benefactor or benefactors, or in accordance with his, her, or their wishes, and by that name shall and may have continual succession hereafter, and shall be able in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; may have a common seal, and may change and alter the same at their pleasure; and also shall be able in law to take by purchase, gift, grant, devise, and to hold any real and personal estate whatever; *Provided*, The clear yearly value of said estate shall not exceed the sum of twenty thousand dollars, and that it be applied solely to the purposes of education; they shall also have power to collect and receive all funds that have been in any way contributed or pledged with reference to the establishment, maintenance and support of said college, or for any of its purposes, and to apply the same, and to give, grant, bargain, sell, convey or in any way dispose of all or any part of said real or personal estate as they shall think best for the interest of the college, and pursuant to the premises of this charter.

SEC. 2. *Be it enacted*, That the trustees shall hold a ~~Meeting~~ stated meeting at the close of each college session; they may also meet from time to time on their adjournment, or as often as summoned for that purpose by the president; at their stated meetings they shall fill any vacancies in their number, and the seat of any trustee who may be absent at two stated meetings in succession, may be declared vacant; any five of the trustees assembled in accordance with the provisions of this section, shall constitute a quorum to do business.

SEC. 3. *Be it enacted*, That the trustees shall have full power and authority to make, alter, or amend, all ^{The College} by-laws not inconsistent with the laws of the United States or of this State; they shall prescribe the course of study, make laws for the college, and elect a president, and such professors and tutors as they may deem necessary, who shall constitute the faculty of the institution, and to whom shall be committed the superintendence of the college.

SEC. 4. *Be it enacted*, That the trustees and faculty ^{Deans} aforesaid, shall have full power and authority to confer

such degrees and literary honors as are usually conferred in colleges and literary institutions, and to grant diplomas under the seal of the institution, which shall be signed by the president and secretary of the board.

SEC. 5. *Be it enacted*, That the president of the college shall always be ex-officio a member of the board of trustees and chairman of the same; and a secretary and treasurer, and such other officers as may be thought necessary, shall be elected by the board at its pleasure.

SEC. 6. *Be it enacted*, That this college shall never be made a sectarian institution, and no religious test shall be required of any of its officers or members.

SEC. 7. *Be it enacted*, That the persons named in the first section of this act, as constituting the board of trustees of Giles College, be and the same are hereby constituted and appointed a board of trustees for Wirttemberg Academy, with perpetual succession, having the same rights and powers as have heretofore been conferred upon the boards of trustees for county academies; and the said trustees may use the academy buildings and lot, and the funds belonging to said academy, and shall receive the funds paid to it as county academy from the State so long as they shall have a course of academical study in connection with the college.

LANDON C. HAYNES.

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 3, 1849.

CHAPTER CLXXV.

An Act declarative of the duties of Turnpike Road Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of all chartered turnpike or McAdamized roads to keep off of their respective roads, all impediments or inconveniences, or barriers to the free passage of any carriage, wagon or other vehicle, to the full width of their respective charters.

SEC. 2. *Be it further enacted*, That they shall break

their stones or gravel for metting and keeping up their road, so as not to exceed one half pound in wieght, and in no case, keep them heaped upon the road within the space between the ditches; and in no instance, these ditches be permitted to contract the road or roads, to a less space than their respective charters require.

SEC. 3. *Be it enacted*, That it shall be the duty of the circuit judges in this State, to give this act in charge to the respective grand-juries, who shall, on proper evidence produced before them by the attorney general, bringing a presentment or indictment against the president of any chartered turnpike company, for all violations of the provisions of this act, and on conviction, shall be fined by the court as in other cases of misdemeanor.

SEC. 4. *Be it enacted*, That so much of this act as relates to rocks of a half pound weight, shall be applied to McAdamized roads only.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 31, 1849.

CHAPTER CLXXVI.

Act Act to amend the law now in force regulating the Bean Station Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the law as relates to the rates of toll on the Bean Station Turnpike Road for footmen and horsemen, is hereby repealed.

SEC. 2. *Be it enacted*, That henceforth the gate-keeper shall not be allowed to charge a footman but five cents, and a man and horse only ten cents; the law otherwise remaining as heretofore.

SEC. 3. *Be it further enacted*, That the citizens of Claiborne and Grainger counties shall pass on the said Bean Station Turnpike Road free of charge.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 23, 1850.

CHAPTER CLXXVII.

An Act to change the time of holding the Circuit Courts in Gibson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Circuit Courts for the county of Gibson, shall commence on the third Mondays in March, July, and November, instead of the times now prescribed by law.

SEC. 2. *Be it enacted*, That this act shall take effect from the day of its passage; and that the next term of said court shall commence on the third Monday in November next; and all jurors, witnesses, and other persons, who have been, or may hereafter be summoned to attend said court on the first week in November, are required to give due attendance on the third Monday in said month, under the penalties prescribed by law in like cases; and the clerk of said court shall have power, on the first Thursday after the first Monday in said month, to take recognizances of all persons bound to appear at said court, or to enter a forfeiture as prescribed by the existing laws; and said recognizances shall bind the parties to appear at the term of the court as herein established.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed October 20, 1849.

CHAPTER CLXXVIII.

An Act to amend an Act entitled an Act to incorporate the Montgomery Turnpike Company, and for other purposes, passed 25th January, 1848.

Be it enacted by the General Assembly of the State of Tennessee, That the 5th section of an act entitled an act to incorporate the Montgomery Turnpike Company, passed the 25th of January, 1848, be and the same is hereby repealed.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CLXXIX.

An Act to authorize the formation of Corporations for Manufacturing, Mining, Mechanical or Chemical purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That at any time hereafter, any three or more persons who may desire to form a company for the purpose of carrying on any kind of Manufacturing, Mining, Mechanical or Chemical business, may make, sign and acknowledge before some officer competent to take the acknowledgment of deeds, and have registered in the register's office of the county, and filed in the office of the clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the secretary of State, a certificate in writing, in which shall be stated the corporate name of the said company, and the objects for which the company shall be formed, the amount of the capital stock of said company, the term of its existence not to exceed fifty years, the number of shares of which the said stock shall consist, the number of trustees and their names, who shall manage the concerns of said company for the first year, and the names of the town and county in which the operations of said company are to be carried on.

SEC. 2. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in such certificate; and by that name have succession, and shall be capable of suing and being sued in any court of law or equity in this State; and they and their successors may have a common seal, and may make and alter the same at pleasure; and they shall, by their corporate name, be capable in law of purchasing, holding and conveying any real and personal estate whatever which may be necessary to enable the said company to carry on their operations named in such certificate, but shall not mortgage the same or give any lien thereon.

SEC. 3. The stock, property and concerns of such company shall be managed by not less than three nor more than nine trustees, who shall respectively be stockholders in such, and a citizen of the United States, and a majority of whom shall be citizens of this State, who shall, except the first year, be annually elected by the stockholders, at such time and place as shall be directed by the by-laws of the company; and public notice of the time and place of holding such election shall be published not less than ten days previous thereto, in the newspaper

Elections. printed nearest to the place where the operations of the said company shall be carried on; and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the said company, and the persons receiving the greatest number of votes shall be trustees; and when any vacancy shall **Vacancies.** happen among the trustees, by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the by-laws of the said company.

Contingent Election SEC. 4. In case it shall happen at any time, that an election of trustees shall not be made on the day designated by the by-laws of said company, when it ought to have been made, the company for that reason shall not be dissolved, but it shall be lawful on any other day, to hold an election for trustees, in such manner as shall be provided for by the said by-laws, and all acts of trustees shall be valid and binding as against such company, until their successors shall be elected.

Officers. SEC. 5. There shall be a president of the company, who shall be designated from the number of the trustees, and also such subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security, for the faithful performance of the duties of their office as the company by its by-laws may require.

Calls of Stock. SEC. 6. It shall be lawful for the trustees to call in and demand from the stockholders respectively, all such sums of money by them subscribed, at such times, and in such payments or instalments as the trustees shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days, after a personal demand or notice requiring such payment shall have been published for six successive weeks in the newspaper nearest to the place where the business of the company shall be carried on as aforesaid.

Powers of Trustees SEC. 7. The trustees of such company shall have power to make such prudential by-laws as they shall deem proper for the management and disposition of the stock and business affairs of such company, not inconsistent with the laws of this State, and prescribing the duties of officers, artificers, and servants that may be employed; for the appointment of all officers, and for carrying on all kinds of business, within the objects and purposes of such company.

SEC. 8. The stock of such company shall be deemed

personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for such company to use any of their funds in the purchase of any stock in any other company.

Stock transferable

SEC. 9. The copy of any certificate of incorporation, filed in pursuance of this act, certified by the county clerk or his deputy to be a true copy, and of the whole of such certificate, shall be received in all courts and places, as presumptive legal evidence of facts therein stated.

Copy of certificate evidence.

SEC. 10. All the stockholders of every company incorporated under this act, shall be severally individually liable to the creditors of the company in which they are stockholders, to an amount equal to the amount of stock held by them respectively for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by such company shall have been paid in, and a certificate thereof shall have been made and recorded as prescribed in the following section, and the capital stock so fixed and limited, shall all be paid in, one half thereof within one year, and the other half within two years from the incorporation of said company, or such corporation shall be dissolved.

Liability of Stock holders.

SEC. 11. The president and a majority of the trustees, within thirty days after the payment of the last installment of the capital stock, so fixed and limited by the company, shall make a certificate stating the amount of capital so fixed and paid in; which certificate shall be signed and sworn to by the president and a majority of the trustees, and they shall, within the said thirty days, record the same in the office of the county clerk of the county wherein the business of the said company is carried on.

Certificate to be recorded.

SEC. 12. Every such company shall annually, within twenty days from the first day of January, make a report which shall be published in some newspaper, published in the town, city or village, or if there be no newspaper published in said town, city or village, then in some newspaper published nearest the place where the business of said company is carried on, which shall state the amount of capital, and of the proportion actually paid in, and the amount of its existing debts, which report shall be signed by the president and a majority of the trustees; and shall be verified by the oath of the president or secretary of said company, and filed in the office of the clerk of the county where the business of the company shall be car-

Annual report to be published.

ried on; and if any of said companies shall fail so to do, all the trustees of the company shall be jointly and severally liable for all the debts of the company, then existing, and for all that shall be contracted before such report shall be made.

Dividends.

SEC. 13. If the trustees of any such company shall declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted, while they shall respectively continue in office; *Provided*, That if any of the trustees shall object to the declaring of such dividend or to the payment of the same, and shall at any time before the time fixed for the payment thereof, file a certificate of their objection in writing with the clerk of the company, and with the clerk of the county, they shall be exempt from the said liability.

Company not to loan to stockholders.

SEC. 14. Nothing but money shall be considered as payment of any part of the capital, and no loan of money shall be made by any such company to any stockholder therein; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest, for all the debts of the company contracted before the re-payment of the sum so loaned.

Penalty for making false report.

SEC. 15. If any certificate or report made, or public notice given, by the officers of any such company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof.

SEC. 16. No person holding stock in any such company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner, and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been, if he had been living and competent to act, and held the same stock in his own name.

SEC. 17. Every such executor, administrator, guardian

or trustee shall represent the share of stock in his hands at all meetings of the company, and may vote accordingly as a stockholder; and every person who shall pledge his stock as aforesaid, may nevertheless represent the same at all such meetings, and may vote accordingly as a stockholder.

SEC. 18. The stockholders of any company organized under the provisions of this act, shall be jointly and severally individually liable for all debts that may be due and owing to all their laborers, servants and apprentices for services performed for such corporation.

SEC. 19. The legislature may at any time alter or amend, but such amendment or repeal shall not, nor shall the dissolution of any such company take away or impair any remedy given against any such corporation, its stockholders or officers, for any liability which shall have been previously incurred; nor shall the company be deprived of its rights to collect any debts or contracts existing at the time of the dissolution of the company.

SEC. 20. Any corporation or company heretofore formed, either by special act or under the general law, and now existing for any manufacturing, mining, mechanical or chemical purposes, or any company which may be formed under this act, may increase or diminish its capital stock by complying with the provisions of this act, to any amount which may be deemed sufficient and proper for the purposes of the corporation, and may also extend its business to any other manufacturing, mining, mechanical or chemical business, subject to the provisions and liabilities of this act, but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital; and any existing company, heretofore formed under the general law, or any special act, may come under and avail itself of the privileges and provisions of this act, by complying with the following provisions, and thereupon such company, its officers and stockholders, shall be subject to all the restrictions, duties and liabilities of this act.

Capital stock may be increased or diminished.

SEC. 21. Whenever any company shall desire to call a meeting of the stockholders, for the purpose of availing itself of the privileges and provisions of this act, or for increasing or diminishing the amount of its capital stock, or for extending or changing its business, it shall be the duty of the trustees to publish a notice signed by at least a majority of them in a newspaper in the county, if any

Notice to be given of meetings.

shall be published therein, at least three successive weeks, and to deposite a written or printed copy thereof in the post office, addressed to each stockholder at his usual place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting, the time and place, when and where such meeting shall be held, and the amount to which it shall be proposed to be increased or diminish the capital, and the business to which the company would be extended or changed, and a vote of at least two-thirds, of all the shares of stock shall be necessary to increase or diminish the amount of its capital stock, or the extension or change of its business as aforesaid, or to enable the company to avail itself of the provisions of this act.

SEC. 22. If at any time and place specified, in the notice provided for in the preceding section of this act, stockholders shall appear in person or by proxy, in number representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the trustees chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present in person or by proxy, and if on canvassing the votes which shall appear that a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, or of extending or changing its business, as aforesaid, or for availing itself of the privileges and provisions of this act, a certificate of the proceedings showing a compliance with the provisions of this act, the amount of capital actually paid in, the business to which it is extended or changed, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman, and be countersigned by the secretary, and such certificate shall be acknowledged by the chairman, and filed as required by the first section of this act, and when so filed, the capital stock of such corporation shall be increased or diminished, to the amount specified in such certificate, and the business extended or changed as aforesaid, and the company shall be entitled to the privileges and provisions, and be subject to the liabilities of this act, as the case may be.

SEC. 23. If the indebtedness of any such company shall at any time exceed the amount of its capital stock, the trustees of such company assenting thereto shall be personally and individually liable for such excess to the creditors of such company.

SEC. 24. It shall be the duty of the trustees of every such corporation or company, to cause a book to be kept

Debts not to exceed capital.

by the treasurer or clerk thereof, containing the names of all the persons, alphabetically arranged, who are or shall, within six years, have been stockholders of such company, and showing their places of residences, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares; and the amount of stock actually paid in; which book shall, during the usual business hours of the day, on every day except Sunday and the fourth day of July, be open for the inspection of stockholders and creditors of the company, and their personal representatives, at the office or principal place of business of such company, in the county where its business operations shall be located; and every such stockholder, creditor or representative, shall have a right to make extracts from such books; no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of the company, according to the provisions of this act, until it shall have been entered therein as required by this section, by an entry, showing to and from whom transferred. Such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit or proceeding against such company, or against any one or more stockholders. Every officer or agent of any such company, who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured, a penalty of fifty dollars for every such neglect or refusal, and all the damages resulting therefrom. And every company that shall neglect to keep such book open for inspection as aforesaid, shall forfeit to the State the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the State, by the attorney general of the district in which the business of such corporation shall be located; and when so recovered, the amount shall be paid into the treasury of the county in which the business of such corporation shall be located, for the use of such county.

Names of Stockholders to be recorded in a book.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CLXXX.

An Act to Incorporate the German Relief Society of the City of Nashville.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Gerald Sieserle, John H. Buddeke, Francis Klotz, H. B. Walmann and Anthony Leonhard, together with all such persons as may become subscribers to the society or association above named, shall be, and they and their successors are hereby declared to be a body politic and corporate, by the name and style of the German Relief Society of the city of Nashville; and by that name shall have perpetual succession; and shall have capacity to sue and be sued; to purchase or otherwise acquire real or personal property or estate, and hold, sell or otherwise dispose of the same, for the purposes indicated by the title of the society; to ordain and establish all such by-laws and ordinances, as shall be necessary for conducting the affairs of the society: *Provided,* The same be not inconsistent with the constitution and laws of this State.

SEC. 2. That the above named Gerald Sieserle, John H. Buddeke, Francis Klotz, H. B. Walmann and Anthony Leonhard, shall be trustees, and shall elect one of their own body to be president. Said trustees shall hold said office until the first day of January, 1851, and on that day and forever thereafter, on the first day of January in each and every year, an election shall be held by the subscribers to said society, for the purpose of choosing five trustees to manage the affairs and direct the proceedings of said society.

SEC. 3. That the said trustees shall have power to appoint all subordinate officers and agents necessary to conduct and manage the business of said society. All vacancies in the board of trustees shall be temporarily supplied by the vote of the remaining trustees, until the annual election then next ensuing.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CLXXXI.

An Act to promote Popular Education by the formation of Societies and Institutions of Learning.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That whenever three or more citizens of this State desire to form a corporate society for the purpose of establishing a school or literary club, or promoting education in any other way, they may form such articles of association as they shall think best adapted to effect their object, and report the same to the circuit court of the county in which the association is formed, and if the court shall be of opinion that it is really the design of the association to promote education, science, or literature, and that none of the articles of association are inconsistent with the constitution and laws of this State or of the United States, a certificate of those facts shall be made by the court: a copy of which articles of association, and the certificate of the court, shall be spread on the minutes of the court, and a copy thereof, certified by the clerk of said court shall also be filed in the office of the Secretary of State, and from the date of filing said copy in the office of the Secretary of State, said society shall be a body corporate in the name they have assumed in their articles of association.

SEC. 2. *Be it enacted,* That the societies so incorporated shall have power to sue and be sued, make by-laws and contracts, buy, hold, and sell property, real and personal, for the purposes for which they are organized, and all other usual powers of corporations for said purposes.

SEC. 3. *Be it enacted.* That the societies which may be organized under this act shall co-operate as far as practicable with the educational officers of the State, and they may at any time be required to report to the Legislature, or to any officer of the State designated by law, or by resolution of the General Assembly.

SEC. 4. *Be it enacted,* That the societies so organized may form such connections with each other or with any existing chartered educational societies or institutions of learning, as they may deem expedient.

SEC. 5. *Be it enacted,* That the common school commissioners in the county of Polk be and they are hereby authorized to lease for mining purposes any school lands unsold in said county; and said commissioners may make such leases as in their judgment will be

School Commissioners in Polk County.

most conducive to the interests of the common school in the said county of Polk.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 4, 1850.

CHAPTER CLXXXII.

An Act to amend the ninth section of the Act passed February 5, 1848, entitled an Act to amend the Revenue Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the third clause of the 9th section of an act entitled an act to amend the revenue laws of this State, passed 5th February, 1848, be and the same is hereby repealed.

SEC. 2. *Be it enacted*, That no person shall sell goods, wares, or merchandize, (except such as by the 6th section of the act which this is intended to amend, are allowed to be sold without license,) at any boat or other water craft without first taking out a license therefor; every person may obtain a license in the same manner and upon the same terms as are now or may hereafter be prescribed for merchants; every such person may obtain a license for six months, by paying a specific tax of twenty-five dollars; every such person may obtain a license for three months, by paying a specific tax of twelve and a half dollars; *Provided*, That the owner or agents of any wharf-boat or other water craft, stationed at any city, town or village or in any county, shall be deemed merchants, and obtain license as other merchants.

SEC. 3. *Be it enacted*, That the first clause of the 9th section of the above recited act, be so amended as to exempt from taxation all persons crying sales of property, except the regular cryers and auctioneers of property in incorporated cities, towns and villages; and this act shall be in force from and after its passage.

LANDON C. HAYNES.

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 19, 1850.

CHAPTER CLXXXIII.

An Act to abolish the office of Entry Taker of the Hiwassee District.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the office of entry taker of the Hiwassee and Ocoee Districts, be and the same are hereby abolished.

SEC. 2. *Be it enacted*, That from and after the passage of this act the registers of the Hiwassee and Ocoee district shall perform all the duties incident to the office of entry taker heretofore provided by law, and shall receive for the same the fees heretofore allowed by law to entry takers. Registers to act as entry takers

SEC. 3. That all the books, maps, and papers belonging to the office of entry taker, shall be transferred and filed in the office of register of said districts.

SEC. 4. That the registers of the said Hiwassee and Ocoee districts shall enter into bond with approved security in the amount now required for entry taker, conditioned for the faithful discharge of all their duties incidental to said office, and in the same manner that entry takers are now required to give bond.

SEC. 5. *Be it enacted*, That the entry taker of Hickman county be, and he is hereby authorized to keep his office at his own house, and that all the acts and doings of said entry taker, heretofore done at any other place other than at the county site, shall be held to be as valid and effectual as though the same had been done at the county site. Entry taker of Hickman county.

SEC. 6. *Be it enacted*, That the acts and doings of James H. Armstrong, as entry taker of Knox county, from August 1st, 1849, to January 7, 1850, be and the same are hereby made valid, and legal to all intents and purposes, as though he had been legally appointed to that office, and all entries made out by him are hereby declared to be valid. Entry taker of Knox County.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 25, 1850.

CHAPTER CLXXXIV.

An Act to enable the Commissioners to finish and complete the new Tennessee Hospital for the insane.

Be it enacted by the General Assembly of the State of Tennessee, That the provisions of the 5th section of an act passed February 5, 1848, entitled an act to provide for the establishment of a State Hospital for the Insane in Tennessee, be and the same are hereby extended one year from the 5th day of February, 1851; *Provided*, That the entire cost of completing said building and the entire apparatus for heating and for supplying water to said building, shall not exceed seventy-five thousand dollars; and should the same exceed said cost, the commissioners, architect and superintendent shall be held individually, jointly and severally liable for such excess.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CLXXXV.

An Act to give the County Courts jurisdiction to provide for the partition and distribution of the estates of deceased persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county courts shall have and exercise concurrent jurisdiction with the circuit and chancery courts to hear and determine all petitions or bills for the partition and distribution of the estates of deceased persons; whether the same shall consist of real or personal property, or both, or for the payment of debts, and when necessary to decree sales of either personal or real estate, or both, when the same is necessary for partition and distribution amongst the heirs and distributees or legatees, or the payment of debts, according to the laws now in force and use, in this State; and in all such cases said courts may appoint a commissioner or commissioners to make such sale or division, and declare the compensation he or they shall receive for such services.

SEC. 2. *Be it further enacted*, That in all cases where

the county court shall direct or decree a sale of property according to the provisions of this act, the person or persons so appointed to perfect a sale, shall enter into bond with two or more good securities before the county court so decreeing said sale, payable to the chairman of said court and his successors in office, in double the supposed value of the property decreed to be sold for the use and benefit of those interested.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 30, 1849.

CHAPTER CLXXXVI.

An Act to legalize certain marriages, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any person has heretofore been married under a license signed by a clerk of the county court, and filled out by some justice of the peace of the county, said marriage shall be considered a legal one to all intents and for all purposes.

SEC. 2. *Be it enacted*, That all acts heretofore done by persons in the name of the present county court clerk of Perry county, or acts done in the name of the register of said county, by verbal authority of said clerk or register, shall be as valid and binding in all things as if done by said clerk or register in proper person; and that this act take effect from and after its passage.

Acts of Clerks &
Register made
valid.

SEC. 3. *And be it further enacted*, That all the acts and doings of James S. Bridges, as register of Hiwassee District, be and the same are hereby made valid and legal to all intents and purposes, as though he had been legally elected to that office.

Acts of James S.
Bridges made
valid.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 7, 1850.

CHAPTER CLXXXVII.

An Act to appoint a separate board of Trustees for the Male and Female Departments of Oak Grove Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a separate board of trustees, consisting of five members each, be appointed for the male and female departments of Oak Grove Academy, in the town of Cleaveland, Bradley county, instead of a joint board, as now exists.

SEC. 2. *Be it enacted*, That for the male department of said academy, the following persons be appointed, viz: Gideon B. Thompson, John D. Trayner, William K. Pickins, Robert S. Stewart and John N. Cowan; and for the female department of said academy, the following persons be appointed, viz: J. W. Inman, James A. Ruble, John H. Payne, W. H. Craigmiles and D. C. Kenner.

LONDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed October 26, 1849.

CHAPTER CLXXXVIII.

An Act to provide Sabbath teaching to the convicts of the Penitentiary.

Be it enacted by the General Assembly of the State of Tennessee, That the inspectors of the penitentiary be authorized to appoint some competent person, who shall be a minister of the gospel, to act as chaplain to the penitentiary, who shall give Sabbath instruction to the convicts therein, and shall be allowed the sum of one hundred dollars per annum as compensation for such Sabbath teaching; *Provided*, The said inspectors may discontinue the same whenever in their judgment it is without remunerating good effect.

LONDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CLXXXIX.

An Act to give the Recorder of Nashville certain criminal jurisdiction.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Recorder of the city of Nashville be and he is hereby invested with concurrent jurisdiction with justices of the peace in all cases of violation of the criminal law of the State, or of the ordinances of the Mayor and Aldermen of the city of Nashville, within the limits of said city.

SEC. 2. *Be it enacted*, That the county court of Davidson county shall be authorized to appoint one revenue commissioner for each ward in the Nashville District, and that the said court allow to said commissioners such compensation as they may deem proper, at the discretion of said court.

Ward Revenue
Commissioners.

SEC. 3. *Be it further enacted*, That the Revenue Commissioners appointed by the Mayor and Aldermen of the town of Columbia, in the county of Maury, have the power to administer oaths, and to proceed in the same manner in taking in lists of taxable property and polls, for corporation taxes in said town, as is prescribed for the government of the revenue commissioners appointed by the several county courts in this State for taking in lists of taxable property and polls for State and county taxation, by an act of the General Assembly, passed 5th February, 1848, entitled an act to amend the revenue laws of the State.

Revenue Commis-
sioner for Co-
lumbia.

SEC. 4. *Be it enacted*, That the recorder of the town of Columbia aforesaid, shall have power to administer oaths, and proceed in the same manner in granting of licenses under the laws of the corporation, as is prescribed for the government of the several county court clerks in this State in granting licenses, in the above recited act amendatory of the revenue laws.

Recorder of Co-
lumbia.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 2, 1850.

CHAPTER CXc.

An Act defining the fees of the Secretary of State.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, the Secretary of State shall be allowed to charge and receive from the person making the application therefor, for each search in his office, ten cents; for each copy, at the rate of ten cents for every hundred words contained in said copy; and for each certificate, without a seal, twenty-five cents, and no more.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 8, 1850.

CHAPTER CXCI.

An Act for the relief of Louisa Reins.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of an act passed on the 28th January, 1842, chapter 145, granting a charter for a turnpike road to Benjamin Reins and John H. Carmichael, be altered and amended as to grant said road, with all its privileges and restrictions to Louisa Reins, widow and relict of said Benjamin Reins and John Carmichael.

SEC. 2. *And be it further enacted,* That said Louisa Reins and John Carmichael be allowed the further time of three years, from and after the passage of this act, to finish said road.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 7, 1850.

CHAPTER CXII.

An Act to change the name of Pinckney Harrison and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the name of Pinckney Harrison be and the same is hereby changed to Pinckney Keith.

SEC. 2. *Be it enacted*, That the name of Mary Ma-Mary Mathews. thews, be changed to that of Mary Malvina Frack,—and that she be, and by this act is declared to be the legal heir and adopted child of Mr. and Mrs. Austin J. Frack, of Davidson county, Tennessee.

SEC. 3. *Be it enacted*, That the name of Roberta Roberta M. Gallaher. Musadora Gallaher, be changed to that of Roberta Musadora McClure, and that she be, and by this act is declared to be the legal heir and adopted child of Mr. and Mrs. William McClure, of Davidson county, Tennessee.

SEC. 4. *Be it further enacted*, That the name of Wm. S. Jones. William Samuel Jones, son of Lynch Jones, of Haywood county, be and the same is hereby changed to William Francis Jones.

SEC. 5. *Be it enacted*, That the name of Martha Martha J. Armstrong. Jane Armstrong, be changed to that of Martha Jane Burrows—and that the name of Ann Elizabeth Armstrong, be changed to that of Ann Elizabeth Burrows, Ann E. Armstrong. and they be, and are hereby declared to be the legal heirs and adopted children of Mr. and Mrs. Thomas Burrows, of Grundy county, Tennessee.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 28, 1850.

CHAPTER CXIII.

An Act to incorporate the East Tennessee Synod's Missionary Board, of the Cumberland Presbyterian Church.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Tate, James Blair, James Johnson, Thomas H. Small, John Nicholson, John P. Holtsinger, William H. Russell, William H. Bell, James W. Ramsey, Thomas Boyd, William Mc-Incorporation.

Amis, Daniel Heiskell, B. H. Bayless, and their successors, be and they are hereby constituted a body corporate and politic, by the name and style of the East Tennessee Synod's Missionary Board of the Cumberland Presbyterian Church, with power by that name to sue and be sued, to plead and be impleaded, answer and be answered unto, in all kinds of suits and actions, and generally to do and perform all other acts and things, which bodies corporate may lawfully do for the purposes hereinafter named.

Power.

SEC. 2. That the corporation shall have power to receive by gift, donation, or purchase and hold personal and real property; to sell, exchange, mortgage, or otherwise dispose of the same, as in their judgment, may best subserve the interest of the East Tennessee Synod's Missionary Board of the Cumberland Presbyterian Church.

SEC. 3. That said Board shall have power to make all by-laws and regulations necessary for their own government, to choose their own officers in such manner as the board shall prescribe; to prescribe the mode in which their successors shall be chosen; to fill vacancies; and to do such other acts and things necessary and proper to carry out the objects of this corporation; *Provided*, they are not inconsistent with the constitution and laws of this State.

LONDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed, February 9, 1850.

CHAPTER CXCV.

An Act to release the Clear Fork Company of the Militia of the county of Claiborne, in the State of Tennessee.

Whereas, The Militia of the first civil district of the county of Claiborne, are subjected to the serious inconvenience of crossing the Cumberland Mountain, as required to lose from two to three days from their ordinary business at each muster, which makes it exceedingly burthensome,

Be it therefore enacted by the General Assembly of the State of Tennessee, That the Militia of the first civil district called Clear Fork company of Claiborne coun

ty, Tennessee, shall be exempt from attending the Battalion and Regimental Musters; *Provided*, that said company shall be required to muster at its respective company muster ground, on the same days that the battalion and regimental musters are held in, and for said regiment to which it belongs, and that the captain or other officer commanding said company, is hereby bound to make an annual return of the strength and condition of his company, as commandants of other companies are compelled by law to do.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 22, 1850.

CHAPTER CXCIV.

An Act to authorize the German Evangelical Church of the county of Morgan to hold land for Church purposes.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for any person to convey to Frederic Von Forsner, Carl Buckler, G. F. Gerding, J. G. Newberd, C. A. Weigel, Jacob Weisegerber, Church Wardens and Trustees for the Protestant Evangelical Church of the German settlement in the county of Morgan, any quantity of land not exceeding sixty acres for the use and benefit of said church, as a place for the residence of the pastor, as well as for the erection of a church, and burial ground for said church, which said land thus conveyed, shall be held by the said church wardens and trustees, and their successors to be appointed by the church in case of death, resignation, or refusal to act, exclusively as a place of residence for their pastor, and for the erection thereon of a church and burial ground as aforesaid.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 1, 1850.

CHAPTER CXCVI.

An Act giving Thomas Mayberry the further time of two years to open his Turnpike Road, and to regulate the rate of tolls on all McAdamized turnpike roads in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the further time of two years be allowed to Thomas Mayberry, of the county of Warren to open and complete his turnpike road, granted to him by charter passed on the 31st January, 1844, and extended on the 5th February, 1848, and that Daniel Walden, John Gillentine and John Mitchell be and they are hereby continued commissioners.

Tolls on all Mc-
Adamized roads. SEC. 2. *Be it enacted*, That it shall be lawful for all McAdamized turnpike roads in this State to charge and collect double tolls at each gate for all wagons hauling more than sixteen bales of cotton at any one load, to be collected as other tolls are now collected by law.

Extra horses ex-
empt. SEC. 3. *Be it further enacted*, That from and after the passage of this act, no gate keeper shall be allowed to charge any toll for extra horses in a wagon over four, and all laws to the contrary be and the same are hereby repealed.

Load of wagons
defined. SEC. 4. *Be it enacted*, That no four or six horse wagon shall be charged as a loaded wagon unless it contains over one thousand pounds, nor shall any two or three horse wagon be charged as a loaded wagon unless it contains over five hundred pounds.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 29, 1850.

CHAPTER CXCVII.

An Act to attach a portion of Hardin county to Wayne.

Be it enacted by the General Assembly of the State of Tennessee, That that portion of Hardin county, embraced within the following limits be annexed and attached to Wayne county, (viz:) beginning on the Tennessee River where the lines of Wayne and Hardin county strike said river, running from thence up said Tennessee river

with its meanders to the mouth of Masses Creek, thence South to the dividing ridge between said creek and Short creek, thence with said ridge until it strikes the road leading from the old Marion Furnace to the Indian Creek road, thence with said road to the dividing ridge between Hardin's creek and Indian creek, thence east with said ridge to where it strikes the Wayne county line, thence North with said line to the beginning: *Provided, however*, this transfer of territory does not reduce Hardin county below her constitutional area.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 1, 1850.

CHAPTER CXCVIII.

An act to amend the laws in relation to Common Schools in Bedford County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be as many school districts in Bedford county as there are townships or fractional townships, and that Commissioners shall be elected, qualified and governed therein, in the same manner and by the same laws applicable to and governing the present Common School Commissioners, in said county, and the Commissioners of the several districts created by this act, shall proceed and ascertain the scholastic population of their respective districts, and make report thereof to the Clerk of the County court, in the same manner and under the same rules and regulations prescribed by the laws now in force, for the establishment and regulation of a system of Common Schools in this State, and after the enumeration above provided for, said Commissioners shall make annual reports of the scholastic population of their respective districts, in the same manner and under the same rules as now prescribed by law for the regulation of other Common School districts in this State.

SEC. 2. *Be it further enacted*, That the Commissioners thus elected, shall have the control, not only of the funds which may be apportioned to their districts, from the Common School fund in this State, but also the funds, which may belong to their respective townships

or fractional townships, arising from the proceeds of the sales of the School wards, donated to the said districts by the General Government, and in the distribution of said funds they shall be governed by the same rules and regulations as now provided, by law, for the regulation and government of land School Commissioners, and Common School Commissioners.

SEC. 3. *Be it further enacted*, That after the first enumeration of the Scholastic population as now provided for, shall have been made, the County Court of Bedford county, shall have power upon the report of the Commissioners, to distribute among the said districts, the School fund, that may be hereafter apportioned to Bedford county, according to such enumeration, in the same manner and under the same rules now prescribed by law in making such apportionments.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage, and the Common School Commissioners hereafter elected in said county, shall be elected by the qualified voters of the several School districts created by this act.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 8, 1850.

CHAPTER CXCI.

An Act to authorize David Green, sr. and Thomas Rowland jr. to erect a toll bridge and turnpike road across Sandy river.

Whereas: By an act of the General Assembly of the State of Tennessee, passed on the 9th day of January 1830, one Robert Jetton was authorized to open and establish a toll bridge and turnpike road across Sandy river and bottom, at the place on said river where the mail road leading from the town of Huntingdon to Nashville, now crosses said river, and whereas said toll bridge and turnpike road was erected and completed, by the said Robert Jetton, as by said act required, by virtue of which and by virtue of the act aforesaid, the said Robert Jetton was authorized to enjoy the privilege by said act conferred, for the term of fifty years from the completion thereof. And whereas, by said act the privileges therein granted were limited to the said Robert

Jetton in person, and did not extend to his heirs and assigns; and whereas the said Robert Jetton has long since departed this life: and David Green sr. and Thomas Rowland jr. of the county of Carroll, have become the owners of said toll bridge and turnpike road by purchase for a valuable consideration. And whereas, it is believed that said act of Assembly conferred no privilege or rights upon the said Green and Rowland, and that they are likely to be greatly injured and oppressed thereby, and whereas the keeping up said toll bridge and turnpike road is absolutely necessary for the convenience of the travelling public. Therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said David Green sr. and Thomas Rowland jr. their heirs and assigns, be and they are hereby constituted a body corporate and politic, with all the powers and privileges by said act conferred upon the said Robert Jetton, and to be subject to all the forfeitures and penalties by said act imposed upon the said Robert Jetton.

SEC. 2. *Be it further enacted*, That James D. Duke, Commissioners. Stephen Eason, and Robert L. McLary, (any two of whom shall have power to act,) are hereby appointed Commissioners, whose duty it shall be, when said proprietors shall notify them to examine said turnpike road and toll bridge, and if in their opinion said toll bridge and turnpike road shall be in good repair, according to the terms of said act, they shall license the said proprietors to open and keep a toll gate, on the most convenient part of said road, for the said proprietors, upon which the said proprietors shall be permitted and entitled to receive the same rate of tolls granted by the said act to the said Robert Jetton.

SEC. 3. *Be it further enacted*, That said Commissioners To take oath. shall take the oath directed to be administered to the Commissioners appointed under, and by provisions of the aforesaid act, before entering upon the discharge of their duties herein prescribed.

SEC. 4. *Be it further enacted*, That the privileges hereby granted to the said David Green sr. and Thomas Rowland jr. their heirs and assigns, shall continue for and during the term of thirty-three years from the passage of this act, unless the same shall be sooner forfeited under the provision of the aforesaid act.

SEC. 5. *Be it further enacted*, That upon the death or resignation of said Commissioners, or either of them, the County Court, of Carroll county, shall have full power to appoint a successor or successors to fill all vacancies, and the commissioners hereby appointed, and

their successors, shall be subject to all the duties and be invested with all the powers over said road and toll bridge, possessed by the Commissioners appointed under the aforesaid act, for the benefit of the said Jetton, and that said Commissioners shall be entitled to one dollar per day, for every day they may have to attend to the examination of said road, the same to be paid by the proprietors.

SEC. 6. *Be it further enacted*, That this act shall go into effect from and after its passage.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed, Nov. 12, 1849.

CHAPTER CC.

An Act to incorporate the Catholic Orphan Asylum and Charity Hospital,
at Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there is hereby established at Nashville in the county of Davidson, an Institution called "the Catholic Orphan Asylum and Charity Hospital."

Trustees.

SEC. 2. *Be it enacted*, That the Rev. John Schacht, John H. Budeke, Valentine D. Barry, Thomas Farrell and Joseph Hamilton, are hereby appointed Trustees of said Institution, and constituted a body politic and corporate, may sue and be sued, by the corporate name of "The Trustees of the Catholic Orphan Asylum and Charity Hospital," and by and in said name, shall have capacity to purchase, receive and hold, to themselves and their successors, any lands, tenements, goods or chattels, which may be purchased by, or given, granted or demised to them, for the use and benefit of said Institution, and to appropriate, use and dispose of the same for the benefit of said Institution, in such manner as to them may seem advisable and proper, *Provided*, Under no pretence shall the Institution through or by its Trustees or other officers, purchase and hold in fee or for years more land than may be reasonably necessary to the legitimate success, use and enjoyment of the proper objects of the Institution, and *Provided further*, That all donations, gifts, grants, devises and be-

quests of land to, or for the use of said Institution, in any manner or form, in this State, shall be by said Institution, by its Trustees or other proper officers, converted into money, stock, chose in action or other personalty as soon as practicable, else the same lands shall be declared by proper decree of the Chancellor or Court exercising Chancery powers on bills filed by the Attorney General of the district, forfeited and escheated to the State of Tennessee.

SEC. 3. *Be it enacted*, That said Trustees and their ^{Powers.} successors, shall have power to hold meetings, at such times and places as they may appoint; to appoint all officers and agents, necessary to conduct the affairs and accomplish the objects of the Institution, to fill all vacancies, in their own body, that may occur from death, resignation or otherwise, to make such by-laws and regulations as they may deem necessary, for the conduct and government of said Institution and of their own proceedings: *Provided*, The same be in no way inconsistent with the Constitution and laws of this State.

SEC. 4. *Be it enacted*, That not less than three of said ^{Quorum.} Trustees shall constitute a quorum for the transaction of business.

SEC. 5. *Be it enacted*, That the charter of the Mem- ^{Memphis & Ger-}phis and Germantown turnpike company, and the char- ^{mantown, and}ter of the Memphis and Hernando turnpike company, ^{Memphis &}passed on 25th January 1848, be amended respectively ^{Hernando turn-}as follows: ^{pike companies.}

SEC. 6. That said companies be authorized to erect their first toll gate, respectively, within one mile of Memphis, and an additional gate on their respective roads, for every five miles therefrom, and to charge at each gate such tolls as the Franklin turnpike company, by their charter passed 31st December 1829, are authorized to charge, and no more.

SEC. 7. That said Memphis and Germantown turnpike company, may terminate their said road at Germantown or construct the same to Colliersville at their discretion.

SEC. 8. That where damages are claimed by any per- ^{Damages.}son through whose land either of said roads shall pass, the jury summoned to assess the same, shall in doing so take into consideration the benefit that will enure to the owners of said land and make the measure of damages, if any, the excess of injury sustained in consequence of either of said roads passing through said land over and above the benefits arising therefrom.

SEC. 9. *Be it enacted*, That William F. Young, J. D.

Liberty Fire Co.,
of Memphis.

King, and others, not exceeding in number seventy-five persons, who may or have united themselves together, and will accept the provisions of this act, be and the same are hereby constituted a body corporate, by the name and style of the Liberty Fire Engine and Hose company, No. 3, of Memphis, sue and be sued, and may hold such personal property as is necessary or proper to a fire company, and such real property as may be necessary and proper for a Fireman's Hall, and the protection of their engine, hose and other property, and the members of said company shall be exempt from military duty in time of peace, and from serving on juries, shall have power to make by-laws not inconsistent with the laws of the State, and appoint such officers as they may think proper, and entitled to all the rights and privileges which other fire companies are by law allowed in this State.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Dec. 5, 1849.

CHAPTER CCI.

An Act to repeal an Act passed December 12th, 1843.

Be it enacted by the General Assembly of the State of Tennessee, That an Act passed December 12th, 1843, granting to George G. Adams, J. L. Rushing, and Jas. Kew, jr., a Turnpike road in the county of McNairy, running from the Hardin county line, near the east end of Willis Lucas' lane, to Purdy, in McNairy county, is hereby repealed.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Feb. 1, 1850.

CHAPTER CCH.

An Act to abolish Criminal Court in Wilson county.

Be it enacted by the General Assembly of the State of Tennessee, That the Act passed on the 5th day of February, 1848, establishing a separate Criminal Court, in the county of Wilson, be and the same is hereby repealed—this act not to take effect until after the next term of said Court, and after that time, all causes undetermined, be transferred to the Circuit Court.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Oct. 24, 1849.

CHAPTER CCHII.

An Act for the relief of Alfred T. Wilson, Coroner of Johnson county.

Be it enacted by the General Assembly of the State of Tennessee, That the acts of Alfred T. Wilson of Johnson county, in assuming to perform the duties of constable of said county, during the above named period, are hereby legalized and made as valid as if the said Wilson had been lawfully elected and qualified as constable of said county. *Provided,* said act shall have been faithfully performed, and that within the State nor any individual shall suffer any other loss or inconvenience from said acts, than if they had been faithfully performed by a constable lawfully elected and qualified to perform the same.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 31, 1850.

CHAPTER CCIV.

An Act to declare Little Hatchee River navigable.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Little Hatchee River be and is hereby declared navigable from its mouth, to Isaac J. Simpson's mill, on said river.*

SEC. 2. *Be it enacted, That the Act passed on the 19th of January, 1848, declaring Paint Rock Creek navigable from the mouth of said creek, in Roane county, to Col. Byrd's mill, be and the same is hereby repealed.*

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed, February 9, 1850.

CHAPTER CCV.

An Act to attach Hickman county to the 14th Judicial Circuit, and to change the time of holding the Courts in the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, the county of Hickman shall be attached to, and compose a part of the 14th Judicial Circuit in this State.*

SEC. 2. *Be it enacted, That the circuit courts in said county, shall be held as follows to wit: On the 4th Mondays in February, June, and October.*

SEC. 3. *Be it enacted, That the change proposed herein, shall not affect the district of the Attorney General for the 8th Judicial Circuit, but Hickman county as now, shall constitute a part of his district.*

SEC. 4. *Be it further enacted, That this act shall not go into effect until the first day of April 1850.*

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed, Feb. 5, 1850.

CHAPTER CCVI.

An Act to alter the time of holding Circuit Courts in the 13th Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the Circuit Courts in the county of Franklin, shall be holden on the fourth Mondays in March, July, and November;

In the county of Warren, on the second Mondays in April, August, and December;

In the county of Van Buren, on the fourth Mondays in April, August, and December;

In the county of Coffee, on the first Mondays in May, September, and January;

And in the county of Grundy, on the third Mondays in May, September, and January: *Provided,* that the first terms of the Courts in all of said counties, after the passage of this act, shall be holden at the times directed by the act of Assembly now regulating the same, and afterwards as contemplated by this act.

Sec. 2. That all laws in any way conflicting with this, be and the same are hereby repealed.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, Feb. 5, 1850.

CHAPTER CCVII.

An Act to repeal an Act passed the 24th day of July, 1820, chapter 61, entitled "an Act to compel owners of Mill-dams, on Little Pigeon River, in Sevier county, to put slopes therein."

Be it enacted by the General Assembly of the State of Tennessee, That the above recited Act be and the same is hereby repealed, any law, usage, or custom to the contrary notwithstanding.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 23, 1850.

CHAPTER CCVIII.

An Act to appoint commissioners to receive the Pelham and Jasper turnpike road across the Cumberland Mountain.

Commissioners. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Phillip Nobards and S. P. Goodman, of the county of Grundy, and Terey Ladd, of the county of Marion, shall be appointed commissioners of the aforesaid road, and they or a majority of them, shall be capable at all times to do and perform all the acts and duties required of them by this act, and when the proprietors shall notify said commissioners that said road is completed for use, said commissioners shall proceed to examine said road, and if said road is in their opinion, in the order contemplated by this act, they shall proceed to license said proprietors to keep a toll gate on said road, which license shall be under their hands and seals, and thereupon said proprietors may proceed to erect a toll gate on said road.

To take oath. SEC. 2. *Be it enacted,* That the commissioners herein appointed by this act shall before they enter upon the duties of their appointment take and subscribe the following oath, to wit: "I do solemnly swear, that I will well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and ability. So help me God." And said commissioners shall be **Fees.** entitled to receive one dollar per day when they may be necessarily employed in performing the duties enjoined on them by this act, to be paid by the proprietors of the road.

SEC. 3. *Be it enacted,* That if any or all of said commissioners shall die or remove from said counties, then and in that case, it shall be the duty of the county court of said county, upon petition being presented by any person or persons, to appoint another commissioner or commissioners in his or their place or places.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Nov. 12, 1849.

CHAPTER CCIX.

An Act to incorporate the town of Mulberry in the county of Lincoln, and the town of Savannah in Hardin county.

SECTION 1. *Be it enacted by the General Assembly of the* Boundaries.
State of Tennessee, That the inhabitants residing within the following described boundaries in Lincoln county, to wit: Beginning at the south-west corner of Charles Mitchell's lot, running east with his line, W. A. Alexander's and A. Phillips' line, and on directly east until it intersects a line running due south with the eastern boundary of the Female Academy lot; thence north to the said Academy lot, and with said lot and R. N. Whitaker's lot of land three hundred and fifty yards; thence west to Mulberry creek, thence down the creek to the beginning, be and they are hereby incorporated under the name and style of the Mayor and Aldermen of the town of Mulberry, and the Mayor and Aldermen of said corporation shall be elected in the same manner, and shall have the same powers, privileges and immunities, and be subject to the same liabilities, obligations and restrictions, as are authorized and empowered by the act of 1848, ch. 220, entitled an act to incorporate the town of Richmond in Bedford county, so far as the same is applicable and not herein altered. *Provided,* that only seven Aldermen shall be elected by the inhabitants of said town. Privileges.

SEC. 2. *Be it further enacted,* That the dividing line between civil districts No. 4 and 6, in Lincoln county, be so altered as to include the inhabitants mentioned in said limits within the 6th civil district, and that the said 6th civil district shall hereafter be entitled to an additional justice of the peace to reside within the corporate limits of said town. Line of civil districts.

SEC. 3. *Be it enacted,* That the 15th section of the act of 1848, ch. 220, be and the same is hereby repealed. Former law repealed.

SEC. 4. *Be it enacted,* That the citizens in the following boundary be and they are hereby incorporated in a body politic, under the name and style of the town of Savannah. Beginning at the mouth of William's Spring branch, running east to the Nashville Stage road, thence south so as to include A. B. Campbell, thence west to the river (including the grave yard,) thence north with the meanders of the river to the beginning. Savannah incorporated.

SEC. 5. *Be it enacted,* That said town of Savannah, is hereby incorporated with all the rights, powers and

privileges and subject to all the restrictions that the citizens of the town of Camden in the county of Benton, are now by their acts of incorporation entitled to.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 5, 1850.

CHAPTER CCX.

An Act to authorize the county courts of Carroll, Henry and Benton counties, to dispose of the unexpended balance of the appropriation to Big Sandy River.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Trustees of the counties of Carroll, Henry and Benton, are hereby authorized to draw out of the Branch of the Bank of Tennessee at Trenton, the unexpended balance of the fund appropriated to the improvement of the navigation of Big Sandy river, the same being divided into three equal shares, and each county to be entitled to one share.

SEC. 2. *Be it enacted*, That the Trustees aforesaid, shall hold such money so drawn as aforesaid, subject to the order of the county courts respectively of said counties, which said courts are hereby authorized to expend the same upon the improvement or construction of roads, bridges or causeways in said counties. And the county courts of Carroll and Benton are authorized at their election to appropriate said fund as above directed or to subscribe the same or any part thereof as stock in the Huntingdon and Tennessee river turnpike company, should the same be chartered by this General Assembly.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 28, 1850.

CHAPTER CCXI.

An Act confirming the settlement made with Mastin Henderson, late sheriff of Monroe county, and his securities in office.

Whereas, By an act passed on the 2d day of February, 1846, William Heiskell, William Henderson, and John Nelson, were appointed commissioners to settle and adjust the claims of the State against Walter Henderson, late Sheriff of Monroe county, and his securities in office, for the revenue due the State for the years 1842 and 1843, *and whereas*, the said commissioners have made the settlement as contemplated by said act, and which said settlement has been ratified by the judge of the circuit court of Monroe county, and the Attorney General as by said act required,

Be it therefore enacted by the General Assembly of the State of Tennessee, That the said settlement, as referred to in the preamble to this act, be and the same is hereby confirmed, notwithstanding the name of Walter Henderson is used instead of Mastin Henderson; the said Mastin Henderson being the sheriff of Monroe county, for the years 1842 and 1843, and the person contemplated in said act.

LANDON C. HAYNES,

Speaker of the House of Representatives,

JOHN F. HENRY,

Speaker of the Senate.

Passed February 1, 1850.

CHAPTER CCXII.

An Act to establish the Branch of the Bank of Tennessee at Clarksville and Columbia.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the Act of the General Assembly of the State of Tennessee, passed on the 30th day of January, 1846, entitled "an Act to amend an Act passed 19th January, 1838, to establish a State Bank, and to raise a fund for internal improvements, &c., as discontinues the Branch of the Bank of Tennessee at Clarksville, be and the same is hereby repealed. And that said Branch at Clarksville be re-established, with all the powers, privileges, rights, and

immunities, as were conferred by the Act originally establishing the same, and that all the capital that may have been withdrawn from said Branch, be returned thereto.

SEC. 2. *Be it enacted*, That the Branch of the Bank of Tennessee at Columbia, be and the same is hereby re-established upon the conditions above specified in relation to the branch at Clarksville.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Feb. 9, 1850.

CHAPTER CCXIII.

An Act to change the time of holding the chancery courts at Dover, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act requiring the chancellor for the Middle Division of the State of Tennessee, to open and hold the chancery court at Dover on the first Mondays in April and October, in each and every year, be so amended that hereafter the chancellor shall be compelled to open and hold said chancery court at Dover, in the county of Stewart, on the third Mondays in April and October, in each and every year, instead of the first Mondays in said month.

Chancery Court
at Jacksboro'.

SEC. 2. *Be it further enacted*, That the chancery court now established in the town of Jacksborough in the county of Campbell, be and the same is hereby repealed, and the citizens of said county are hereby authorized to file their bills in the chancery court at Knoxville or Tazewell.

Records deliver-
ed over.

SEC. 3. *Be it further enacted*, That from and after the passage of this act, the clerk and master of the chancery court shall deliver over to the clerk and master of the chancery court at Knoxville or Tazewell, all the books, papers and records appertaining to the chancery court now situated at Jacksborough, and said causes shall be determined at Knoxville or Tazewell, by the chancellor in the same way they would have been heard and tried at Jacksborough.

Chancery Courts
at Lafayette and
Gainesboro.

SEC. 4. *Be it enacted*, That the chancery court at Lafayette in the county of Macon, shall be hereafter

held on the second Mondays in January and July; and the chancery court at Gainsboro, in the county of Jackson, shall be held on Wednesday after the second Monday in January and July.

SEC. 5. That hereafter the circuit courts for the county of DeKalb shall be held by the judge of the criminal court of Davidson county; *Provided*, this shall not prevent said courts being held by any circuit judge of this State, by interchange of sittings, and *provided*, said county of DeKalb shall continue to constitute a part of the fourth solicitorial district.

Circuit Court in DeKalb.

SEC. 6. That the circuit courts of DeKalb county, ~~which shall~~ shall hereafter be held on the third Mondays in April, August and December, and after the expiration of the time for returning process to the next February term, 1850, of said court, all process shall be returned to the terms of the court as herein established.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 2d, 1850.

CHAPTER CCXIV.

An Act to incorporate the Citico Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That H. M. D. McElrath, George W. Morgan, and James A. Hart, or any two of them, may at such times and places, as they may deem expedient, open books of subscription; and that the owners of the shares herein authorized to be created, shall be, and they are hereby made a body corporate in law and in fact, under the name and style of the Citico Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment in any court or elsewhere, may have and use a common seal, and alter the same at pleasure, and in such manner as they shall determine, appoint all necessary officers, define their duties and fix their compensation; and ordain and establish by-laws for the regulation and government of their affairs, and

Incorporation.

alter and repeal the same; with power and authority to erect, establish, and carry on manufacturing of iron, steel, and other articles, and to acquire and hold such lands, tenements, and heraditaments, and all such property of every kind, as shall be necessary or useful for the purposes of the said company; and, also such other lands, tenements, heraditaments, or property as shall be taken in payment of, or as security for debts due to said company, and to use, manage, sell, lease, transfer and convey, or otherwise dispose of the same at pleasure; and purchase, possess, exercise, and have such other powers, privileges, and immunities as are necessary and proper for them to have as an incorporated company.

Powers.

SEC. 2. The said company shall have power and authority at all times to improve the navigation of the little Tennessee river, and its tributaries; to build dams across the same, and to construct locks of capacity to pass boats of fifty tons burden, and to use, sell, lease, or otherwise dispose of the water power thereby created; they shall have likewise power and authority to make all such railways, and turnpike or graded roads, as they may deem necessary and useful for the successful carrying on of their business, and to connect their mines and manufactories with the East Tennessee and Georgia Rail Road, and shall have like powers and authority to use, possess, and occupy lands, earth, rock, timber, or other materials for the construction and repairs of their said road, and the improvement of the said river and its tributaries, as are given to the East Tennessee and Georgia Rail Road company, by the several acts relating thereto.

Tolls.

SEC. 3. The said company may from time to time fix, levy, and collect tolls and charges for transportation on their said road, at such rates as will enable them to pay the incidental expenses of keeping their road in good repair, and pay a dividend of six per cent. semi-annually on the cost of constructing said roads and repairs.

Capital stock.

SEC. 4. The capital stock of said company shall consist of one thousand shares of one hundred dollars each, which may from time to time be increased as the Directors may deem expedient, to an amount not exceeding ten thousand shares over and beyond the value of their real estate, roads and improvements; and when the sum of twenty-five thousand dollars shall have been subscribed, and five per cent. thereof paid in, the subscribers may proceed to organize said company, each share having one vote, by the election

of not less than three, nor more than four Directors, who shall choose one of their number to be President, and the Directors may enact rules, by-laws, and regulations for the government of the business and affairs of the company, the same being consistent with the constitution and laws of this State and of the United States.

SEC. 5. The stock of the company shall be deemed ^{Stock persons} personal property, and transferable on the books of ^{property.} the company in such form as the Directors may prescribe; and the said company shall at all times have a lien upon all the stock of each shareholder and upon all their other property invested in the company, for the payment of all debts due to the company by such shareholders.

SEC. 6. [If] the capital stock of the said company shall be withdrawn and refunded to the Stockholders, before the payment of all the debts of the company, for which such stock would have been liable, the stockholders shall be liable to such creditor on an action founded on this statute, to the amount of the sum refunded to them respectively as aforesaid, *Provided*, always that if any such stockholder shall be compelled by any such action, to pay the debts due to any creditor, or any part thereof, he shall have the right, by bill in equity, to call upon all the stockholders, to whom any part of the said stock has been refunded, to contribute their proportionate part of the sum paid by him as aforesaid; and if the Directors of said company shall declare and pay a dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, knowing such corporation to be insolvent, or that the payment of such dividend would render it so, the Directors assenting thereto, shall be jointly and severally liable in an action founded on this act, for all the debts due from the said company at the time of declaring such dividend, and each Director present shall be held as assenting, unless he shall enter his protest on the books of the company.

SEC. 7. The General Assembly may at any time for just cause, rescind the powers herein granted, and prescribe such mode as may be necessary or expedient for the settlement of the affairs of the company.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 6, 1850.

CHAPTER CCXV.

An Act to charter the Elizabethton and North Carolina Turnpike Company.

Commissioners. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William Baker, John Wright, Sam'l. W. Williams, Robert Love, and Nathaniel G. Taylor, citizens of Carter county, be and they are hereby appointed Commissioners to open books for the subscription of stock, for the purpose of constructing a Turnpike Road from Elizabethton, Carter county, to the North Carolina line, near William Baker's, to be known by the corporate name of the Elizabethton and North Carolina Turnpike Company.

Organisation. SEC. 2. That whenever the sum of two thousand dollars is subscribed, in shares of twenty dollars each, and after giving twenty days notice at three or more public places in said county, a meeting of the stockholders may be had, for the purpose of electing seven Directors for said road, one of whom shall be President, and said President and Directors shall have power to appoint such other officers as may be necessary to conduct the business of the company; *Provided, however,* that no office shall be filled by any person unless he be a stockholder. The said President and Directors shall hold their offices for twelve months, or until their successors are elected, and have power to fill any vacancy that may occur by death, resignation, or removal.

SEC. 3. That the President and Directors shall have power to appoint five Commissioners, citizens of Carter county, to view and lay out the most practicable route for said road, or if the company should think it best, they may employ a competent engineer to view and lay out the entire route.

Stock paid in work. SEC. 4. That persons taking stock in said road may have the privilege of paying their subscription in work: *provided,* they shall become contractors to build any portion thereof, the value of the work to be determined by three of the Directors, or, if preferred by three of the stockholders, who may be considered competent judges, or they may do so without becoming contractors upon agreement between themselves and the contractors.

Gates and tolls. SEC. 5. That said company may erect any number of toll-gates on said road not exceeding three, *and provided,* the toll for the entire route shall not exceed the following rates: For each four or six horse wagon and team \$1 25; for each four wheeled pleasure car-

riage, if drawn by two or more horses \$1 25; if drawn by one horse 62½ cents; for each two or three horse wagon 75 cents; for each man and horse or mule 25 cents; for each led or loose horse or mule 10 cents; for each head of cattle, hogs or sheep 5 cents; and the Directors may have power to regulate the rates of toll, of persons residing on or near the line of said road.

SEC. 6. That if any person or persons shall pass said gates arbitrarily or within one mile thereof, for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence to the company the sum of fifty dollars, to be recovered by action of debt before any Justice of the Peace for this State. Penalty for evading gates.

SEC. 7. That whenever there are ten miles of said road completed, said company have the privilege of erecting one toll gate, and of requiring the payment of one third of the toll, as provided in the 5th section of this act, and so on for each succeeding ten miles.

SEC. 8. That the time of this charter shall extend to fifty years, and shall be completed in five years from the passage of this act.

SEC. 9. That the President and Directors shall have power to open books at such times and places as they may think best, for the subscription of the stock necessary to build said road, and they shall also have power to make contracts for opening and constructing said road, and may from time to time require such advances upon the shares of stock subscribed, as the wants of the company may require; *Provided*, no call shall be made for more than two dollars on each share at any one time, of which twenty days previous notice shall be given. Calls of stock.

SEC. 10. That said President and Directors shall be and are hereby made a body politic and corporate, may sue and be sued, plead and be impleaded by the name and style of the company aforesaid. Incorporation.

SEC. 11. That the citizens of Carter county, shall be permitted to pass said road free of toll, and that said company shall open, build and make said road equal to a first class road, according to the laws of Tennessee, at all places where the ground over which it passes will admit of its being done.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed, February 9, 1850.

CHAPTER CCXVI.

An Act to incorporate the Capitol Hill Fire Company No. 4, and for other purposes.

Incorporation. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Capitol Hill Fire Company No. 4, in the city of Nashville, is hereby incorporated by the name aforesaid, with power to continue its organization according to the provisions of its present constitution and by-laws, or such other constitution and by-laws as the company may establish for its government, *Provided,* The same be not inconsistent with the constitution and by-laws of this State or of the United States, with power to acquire and hold any property to the amount of twenty thousand dollars, for the convenient transaction of its business, and with the privilege to have and use a common seal.

Privileges. SEC. 2 *Be it further enacted,* That such other privileges as are given by charter to the Deluge Fire co. No. 3, in the city of Nashville, are hereby extended to the Capitol Hill Fire co. No. 4.

Murfreesboro' and Woodbury Turnpike Co. SEC. 3. *Be it further enacted,* That the persons who may become Stockholders, pursuant to the provisions of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of the Murfreesboro and Woodbury turnpike company, and by that name and style may sue and be sued, plead and be impleaded, in any of the courts of law or equity in this State.

Commissioners. SEC. 4. The following named persons are hereby authorized to open books for subscription for stock in said road, at the following places, to wit: at Murfreesboro, Charles Ready, William Spence, John McKnight and Wm. A. Read; at Hall's store, John W. Hall, Enoch H. Jones and Ephraim Smith; at Woodbury, Archibald Stone, John D. Weatherford, William H. Gowan and Benjamin Fugath; at Readyville, John W. Armstrong, Thos. J. Peay, John H. Wood and Lewis Jetton.

Style of road. SEC. 5. That said turnpike road shall be built in the same manner as is provided for the construction of the Nashville, Murfreesboro and Shelbyville turnpike road, except that common river gravel may be used whenever convenient, instead of broken stone.

Gates. SEC. 6. That whenever five mile of said road shall be completed, commencing at the present corporate limits of Murfreesboro, it shall be lawful for said company to erect one toll gate, *Provided,* That no toll gate shall be located nearer than one mile from the said corporate

limits of Murfreesboro, and so on, for each successive five miles of said road, *Provided*, That there shall not be more than one toll gate for each five miles of said road.

SEC. 7. That as soon as ten thousand dollars of stock shall have been subscribed for said road, a meeting of the Stockholders shall be held in Murfreesboro, of which twenty days notice shall be given at Woodbury, Readyville and Murfreesboro, who may proceed to elect seven directors, who shall be Stockholders, four of whom shall constitute a quorum to do business, to pass by-laws and organize said company. Organization.

SEC. 8. That at the first meeting all the Stockholders shall be members of said corporation, and they shall elect the directors as aforesaid, and may vote by shares, each share entitling the holder to one vote,—the directors shall elect one of their number President of said company, another Secretary, and another Treasurer, and it shall be the duty of the directors to locate and have said road constructed, and shall have the entire management of said road. They shall hold their office for one year, and until others are elected in their place. The election for directors shall be held once in each year, and it shall be the duty of the President of said board of Directors to give reasonable notice of the time and place of holding said election. Elections.

SEC. 9. That for the purpose of making and keeping said road in repair, the directors may cut, dig, and quarry, and take from the lands of any person, within one mile of said road, such and so much timber, rock, earth or gravel as may be necessary for said purposes, and if any person or persons from whose lands such materials may be taken, shall desire compensation therefor, he, she or they may apply to any justice of the peace in the county, who shall appoint three disinterested freeholders, for the purpose of valuing such timber, stone or gravel, and they shall grant a certificate upon oath, to the injured party or parties, and the amount or amounts may be collected from said company before any tribunal having cognizance thereof. Damages.

SEC. 10. That when any undertaker or undertakers, shall report to the President of the board the completion of his or their contract, it shall be the duty of said President to call a meeting of the board of directors for the examination of said road, and if they are satisfied it is according to contract, it shall be their duty to receive it and give a certificate accordingly.

SEC. 11. The rates of toll shall be the same as are now provided for the Nashville, Murfreesboro and Tolls.

Shelbyville turnpike road, and the road hereby chartered shall, in all respects not herein provided for, be governed by the laws heretofore made and provided for the regulation of turnpike roads in this State.

Route of road.

Capital stock.

SEC. 12. That said road shall commence at Murfreesboro and extend to the top of the ridge beyond Woodbury, in the direction of McMinnville. The capital stock of said company shall be sixty thousand dollars, or less, and shall be divided into shares of twenty-five dollars each, and shall be applied to the constructing of and keeping in repair, said road according to the provisions of the section of this act.

Broad Street Insurance Co.

SEC. 13. *Be it enacted*, That an Insurance and Life and Trust Company, is hereby incorporated, to be styled the Broad Street Insurance company of Nashville, with a capital stock of two hundred thousand dollars, to be increased at the pleasure of the Stockholders, to four hundred thousand dollars, and to be located on Broad street, in the City of Nashville;—to open the books for subscription for Stock, in which John Yeatman, Wm. Morgan, Anthony Johnson, Ammon Davis, Edward Tuline, Powhatan Maxey, James Johnson, Benjamin Weller, and Anthony Vanleer, shall be and are hereby appointed Commissioners, any three of whom shall be authorized to act. Said books may be opened for subscription of Stock on the 1st day of March 1850, and kept open for ten days. If said company shall not be organized on or before the 15th day of March 1852, this charter shall be considered as forfeited. The provisions of the "act to incorporate the Clarksville Marine, Fire Insurance and Life and Trust Company," passed 15th January 1840, in all respects not inconsistent with this act, shall be applicable to this company, conferring upon the same the powers, privileges, liabilities, rights and obligations, which are attached to said "Clarksville Marine Fire Insurance and Life and Trust Company."

SEC. 14. *Be it enacted*, That said President and Directors shall have power to create one agent in West Tennessee and one in East Tennessee, if they shall desire to do so, but they shall not be authorized to appoint other agencies, *Provided*, That said company shall pay a bonus of one fourth of one per cent, on their capital stock for Common School purposes, to be paid into the Treasury and applied as other Common School monies.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 2, 1850.

CHAPTER CCXVII.

An Act to amend an act passed February 2d 1846, entitled an act to erect a statue and monument to General Andrew Jackson and General Washington.

Be it enacted by the General Assembly of the State of Tennessee, That to carry out the object of the act passed on the 2d of February 1846, providing for the erection of Statues to General Washington and General Jackson, so much thereof as requires the Governor to appoint Commissioners in the several counties, to solicit and receive contributions, be repealed, and that it shall be his duty to appoint one commissioner in each division of the State, for the purpose of soliciting and receiving contributions in their respective divisions, who shall be governed in all respects by the rules prescribed in said act for the Commissioners therein provided for, and shall receive out of the amount collected by them 5 per cent thereon, for their compensation, and shall have power to make such agents under them, as they shall deem proper, who shall make their returns to said Commissioners and be compensated by them, out of the amount herein before allowed to such Commissioners.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 30, 1850.

CHAPTER CCXVIII.

An Act to amend an act entitled "an act for the relief of the third Township in the third Range west of the meridian, in the Hiwassee District"—passed February 3d, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Hon. Charles F. Keith, Judge of the 3d Judicial Circuit in the State of Tennessee, be and he is hereby authorized and empowered to investigate the facts referred to in House Resolution No. 149, adopted on the 4th day of January 1848, in relation to the sixteenth section in the third range, and third township west of the meridian in the Hiwassee District, and in the event he shall find the facts therein

suggested to be true, and that said township is entitled to the proceeds of the nearest section of land to the said sixteenth section, not covered by reservation, which was fit for cultivation, for the use of schools in said township, then and in that case he shall certify the facts to the Comptroller of the Treasury, whose duty it shall be to issue his warrant to the Treasurer for so much as may be due, with lawful interest, in favor of and for the benefit of said township in the premises, to the end that the same may be paid into the Bank of Tennessee, for the use of schools in said township.

SEC. 2. *Be it enacted*, That it shall be the duty of the said Hon. Charles F. Keith, in making such investigation, to ascertain the amount of the proceeds of said nearest section at the time of the sale thereof.

Compensation.

SEC. 3. *Be it enacted*, That the said Charles F. Keith be allowed four dollars for each day he may be necessarily engaged in making said investigation, as full compensation for his trouble, to be paid out of the Treasury of the State, for which the Comptroller shall issue his warrant.

SEC. 4. *Be it enacted*, That the resolution of January 28th, 1848, No. 25, be so amended and modified, that whenever Dr. John L. Yarnell, shall make it appear by creditable written testimony, taken on oath before the Judge of the third Judicial Circuit, that any amount of bills of the Bank of Tennessee and branches was consumed by the fire at the burning of his house, it shall, upon the certificate of said Judge, that such proof is satisfactory, be the duty of the proper officer of the branch Bank of Tennessee at Athens, to allow said Yarnell a credit on his debt to said Bank, described in said resolution, for the amount so shown to have been consumed by fire, to be entered at the date of the loss.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 2, 1850.

CHAPTER CCXIX.

An Act to defray the expenses of the Tennessee Penitentiary and to continue the building of the State Capitol.

Whereas: Information has been communicated to the Committee on the Penitentiary, by the agent of that Institution, that some pecuniary assistance should be afforded the Penitentiary, to enable that Institution to meet in part its ordinary expenditures, until the assembling of the next Legislature, that the principal portion of the labor of the convicts for the last four years, has been employed towards the construction of the State Capitol, which has greatly restricted the financial resources of the prison, and at the same time increased its expenses to such an extent, that an appropriation of fifteen thousand dollars will be required to enable the Penitentiary to carry on its regular operations. Therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury be authorized to issue his warrant, to the Agent of the Tennessee Penitentiary, for such accounts as the agent may present, necessary for the support of said Institution: *Provided,* The amounts thus called for during the ensuing two years, do not exceed fifteen thousand dollars; and, *Provided further,* That said accounts of the Agent of the Penitentiary shall be certified to by a majority of the inspectors of the Penitentiary to be in all respects correct and necessary for the support of said Institution.

SEC. 2. *Be it enacted,* That the sum of one hundred and fifty thousand dollars be and the same is hereby appropriated to the building of the State Capitol, to be raised in the same manner as the appropriations of 1847-8, and that the same Commissioners be continued for the ensuing two years, with the same powers as they now possess, so far as the same does not conflict with the further provisions of this act.

SEC. 3. *Be it enacted,* That the Commissioners on the Capital buildings, be and they are hereby required to investigate the facts in relation to the necessity of employing an additional number of laborers in the quarrying, cutting and dressing the stone, and if it shall appear that the laborers now detailed under guard from the prison, could be more profitably employed in dressing stone within the walls of the prison, and that the quarrying now carried on by the convicts, could be done at less cost by the employment of common labor-

ers, then and in that case, it shall be their duty to make such change in the labor as a proper regard for economy may suggest as necessary to forward the progress of the building, and accomplish the completion of the same in the shortest possible time and at least expense.

Repealed.

SEC. 4. *Be it enacted*, That the bonds of the State authorized to be issued for the building of the Capitol may be of a denomination not exceeding one thousand dollars, and shall run to maturity, in not exceeding twenty years, *Provided*, The act of the last session of the General Assembly, providing for an appropriation for the building of the Capitol be and the same is hereby repealed.

Warrant to C. W. Nance.

SEC. 5. *Be it enacted*, That the Comptroller issue his warrant to C. W. Nance for \$30—which amount was paid by him as one of the committee appointed under a resolution of the General Assembly, to provide for the inauguration of Gen. Wm. Trousdale.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CCXX.

An Act to authorize Austin Maupin, to erect a Mill-dam on the north fork of Obion river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Austin Maupin, of Obion county, be authorized to erect a Mill-dam on the north fork of Obion river, to a height not exceeding three feet, for the purpose of turning a part of the water of said river into a race, on which to erect a Saw and Grist Mill, between the mouth of Grove creek and Hauser's creek. *Provided*, he shall make sufficient slopes to said dam, so as not to impede the navigation of said river.

SEC. 2. And said Maupin and his assigns, or others concerned, shall be bound and liable for any and all losses and damages which may be sustained in consequence of said dam, or the privilege hereby granted. And, *provided further*, that the county courts of Obion and Weakley counties, at a quarterly term of each,

two-thirds of the justices being present, each of said courts, shall by an order thereof, first consent to the same.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed February 5, 1850.

CHAPTER CCXXI.

An Act to change the times of holding Regimental Musters in the 111th and 112th regiments Tennessee militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the times of holding the Regimental Musters in the one hundred and eleventh, and one hundred and twelfth Regiments of Tennessee Militia, be changed so that the 112th shall muster upon the first Thursday in October, and the 111th upon the Friday following.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage.

SEC. 3. *Be it enacted*, That the one hundred and thirty-eighth, and sixtieth Regiments in the ninth Brigade, Tennessee Militia, be so changed that hereafter the one hundred and thirty-eighth Regiment shall muster on Friday after the first Thursday in October, in each and every year, and the sixtieth Regiment shall muster the next day.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed, January 24, 1850.

CHAPTER CCXXII.

An Act directing the Comptroller to issue his warrant to John C. McLemore.

Whereas, it appears to this General Assembly, that John C. McLemore, had, prior to the year 1820, procured from the Secretary's office of North Carolina, a transcript of all the grants issued by said State up to that time, for lands lying within the State of Tennessee, and which transcript, duly authenticated by the great seal of said State of North Carolina, thereto attached, is contained in eleven bound books, marked, A No. 1, B No. 2, C No. 3, D. No. 4, E No. 5, F No. 6, G No. 7, H No. 8, and A, B, C, which eleven bound books with the indexes thereof, are now in the office of the Secretary of State, of Tennessee. *And, whereas*, it appears that the said transcript, by the laws of the State of Tennessee, of 1811, chap. 117, and of 1820, chap. 44, was made a valid record of this State, and it further appearing that there is no other complete record of said grants belonging to this State, and that the said John C. McLemore, has never sold the said transcript, but has a right to the same, or compensation therefor: Therefore,

Be it enacted by the General Assembly of the State of Tennessee, That for, and in consideration, that the said eleven books, with the indexes thereof, have been relinquished to said State, by the said John C. McLemore, that there be paid the said John C. McLemore, out of the Treasury of the State, eight hundred dollars, for which the Comptroller shall issue his warrant.

LONDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed, January 2, 1850.

CHAPTER CCXXIII.

An Act to amend An Act of the General Assembly of the State of Tennessee, entitled An Act to Incorporate the Nashville Marine, Fire Insurance, and Life and Trust Company, passed 20th of February, 1836.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever it shall be made to appear to the satisfaction of the Governor, Secretary of State and Comptroller of the Treasury of this State, that the whole amount of the present stock of said company has been paid in, and that with the stock thus paid in the assets of said company, clear of its debts and ascertained liabilities, including its property of every description, are fairly and fully worth the sum of six hundred thousand dollars; the capital stock of said company shall be increased to the said sum of six hundred thousand dollars; and that each owner of stock at the date of said increase, shall be the owner of stock in said company, to an amount *prorata* according to his stock as it now exists.

SEC. 2. That the Governor, Secretary of State and Comptroller of the Treasury, when they shall make an examination of said company's affairs, and shall ascertain its assets to be worth the said sum of six hundred thousand dollars, clear of its debts and liabilities, as aforesaid, shall give to said company a certificate to that effect, of which they shall file a duplicate with the secretary of State, to be kept by him in his office, and that thenceforward the said stock shall be increased as aforesaid, should this amendment be accepted as hereinafter provided for.

SEC. 3: That after the certificate aforesaid shall be given, and after the increase of the stock aforesaid, the said company shall invest one-third of the said capital stock in profitable real estate in this State and elsewhere, which is thereafter to remain as a security for the debts and obligations of said company, subject, however, to be sold whenever it shall be deemed expedient by the president and directors of said company, and the said Governor, Secretary of State, and Comptroller; and in case of a sale, as aforesaid, the said one-third so invested shall be, so soon as it can conveniently be done, either re-invested in profitable real estate, or in bonds, or stocks, or debentures of the State of Tennessee, or of the United States, and to remain pledged as aforesaid for the debts and liabilities of said company.

SEC. 4. That unless within six months after the date of the certificate aforesaid, and of the increase of the stock aforesaid, it shall be shown by the said company to the said Governor, Secretary of State and Comptroller

aforesaid, that they have invested in profitable real estate, or in bonds, stocks or debentures of the State of Tennessee, or of the United States, the sum of two hundred thousand dollars, to be held as a pledge, as aforesaid, that this act, and every matter and thing herein contained, shall be null and void and of no effect.

SEC. 5. That the said company shall be and they are hereby authorized to invest at their discretion and sell and re-invest one-sixth part of said stock in profitable real estate in this State or elsewhere, or in stocks, bonds or debentures of this State, or the United States, which fund is not, however, to be under restrictions provided in regard to the one-third of said stock in section third and fourth; *Provided, however,* That said real estate, stocks, bonds and debentures, to the amount of the said one-sixth part of the capital, shall not be transferred, or re-invested, without the assent in writing of the Governor, Secretary of State and Comptroller aforesaid; *And provided further,* Said company shall pay a bonus to be appropriated as heretofore directed to common schools, the one-fourth of one per cent. on its capital stock.

SEC. 6. That the residue of the assets of said company, reserving always a cash fund to meet losses and carry on the business of the company to advantage, may, at the discretion of the company, be invested in bonds, stocks or debentures of this State, or of the United States, or otherwise as said company may deem proper under the existing provisions of their charter and of its amendments.

SEC. 7. That whenever the terms of the first, second, third and fourth sections of this act shall have been complied with, and shall have been certified to have been complied with by the said Governor, Secretary of State and Comptroller, whose certificate shall be filed with the secretary of State as above provided with regard to the other certificate, of which a duplicate shall be given to said company, that then, the fourth section of said act, passed 20th of February, 1836. and so much of the seventh section of said act as reads in the following words, viz: And also that the individual property, both real and personal, of every stockholder in said institution shall be held and bound for the payment of the debts of said corporation, to the full amount of his or her stock in said corporation, shall be and the same are hereby repealed.

SEC. 8. That in each deed for real estate taken under the provisions of the third section of this act to said company, and in each transfer or assignment of stocks, bonds or debentures of this State, taken under said provisions, there shall, in the body thereof, be contained these words:

Pledged for the debts and liabilities of said company, and not to be sold without the approval of the Governor, Secretary of State and Comptroller of the State of Tennessee.

SEC. 9. That this act shall be considered as a part of the charter of said company from and after its acceptance by a majority of the stockholders in a meeting to be regularly called for that purpose.

SEC. 10. That in all respects not coming within the purview and meaning of this act, the rights, powers, duties and obligations of said company are to remain as heretofore under its charter and the amendments thereto.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 5, 1850.

CHAPTER CCXXIV.

An Act to incorporate the Jackson Hotel Company, in the town of Jackson, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Samuel Lancaster, John Read, William H. Stephens, Andrew Guthrie and Milton Brown, and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of the Jackson Hotel Company, with power by that name to sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of suits and actions; and generally to do and perform all other acts and things which bodies corporate may lawfully do, for the purposes hereinafter named.

SEC. 2. *Be it further enacted,* That the capital stock of said company may be thirty thousand dollars, and shall be divided into shares of one hundred dollars each. That said corporators shall open books and receive subscriptions to the capital stock of said company, at such times and places, and in such manner, as they may appoint; and that so soon as five thousand dollars are subscribed, said corporators, after giving ten days notice, shall call a meeting of the stockholders, to be held in the town of Jackson, for the election of five directors for said company, who shall hold their offices until the first

day of January thereafter; and until their successors shall be appointed; that ever afterwards the said Jackson Hotel Company shall meet on the first Monday in January in each and every year, and elect five directors, who shall hold their offices for the term of one year, and until their successors shall be elected; that in the election or voting by stockholders, each share of stock shall entitle the holders to one vote, entitling each stockholder to give as many votes as he *bona fide* holds shares of stock.

Officers. SEC. 3. *Be it further enacted,* That the directors shall elect a president from their own body, and in his absence, or upon his resignation, death or removal, may elect another in his place, and may appoint a secretary and all necessary officers or agents, under such restrictions and provisions as to them may seem expedient; they shall keep a record of their proceedings; and a majority of directors shall be a quorum to transact business.

Quorum. SEC. 4. *Be it further enacted,* That the said Jackson Hotel Company, shall have power to purchase and hold real and personal property to the amount of their capital, to sell, exchange and mortgage the same, to contract loans, and do every thing which may be necessary or expedient in building, completing, furnishing, keeping and conducting or leasing a public hotel in said town of Jackson.

Powers of Board. SEC. 5. *Be it further enacted,* That said directors shall have power to make by-laws for the government of said company, not inconsistent with the laws of the land; they shall have the general management and control of the business of the company, and may make all necessary contracts, which shall be authorized by a vote of the directors, and by written instruments signed or executed by any officer or agent duly authorized by vote of the directors for that purpose; the directors shall prescribe the manner in which the several members of the company may transfer the stock; and may make provision for payments of stock, and for forfeiting the stock of members who may fail or refuse to pay the amount of their subscription of instalments thereon according to the regulations and requirements of the directors.

Washington Branch Turnpike Company. SEC. 6. *Be it enacted,* That Thomas S. King, James H. Foster, Lot Quinn, Andrew J. Baker, Lafayette Ezell, Robert Davis, Nathaniel Brown, Charles Cook, E. B. Bigley and Jesse Collins, and their successors, and such others as may be associated with them, are hereby constituted a body politic and corporate under the name and style of the Washington Branch Turnpike Company;

as such may sue and be sued, plead and be impleaded; have a common seal, and succession for ninety-nine years.

SEC. 7. *Be it enacted*, That the capital stock of said company shall be ten thousand dollars, and may be increased to thirty thousand dollars, to be divided into shares of twenty-five dollars each, and so soon as two thousand dollars shall be subscribed, said company shall be considered formed, and any five of the persons named in the foregoing section of this act, shall have power to open books and receive subscription for stock for the purpose of constructing a turnpike road, beginning at a point on the Murfreesborough turnpike road, at or near the Washington institute, running in a southerly direction crossing Mill creek near Goodwin's mill, and extending into the seventh district of Davidson county, towards Patterson's mill; and said company are hereby invested with all the rights, privileges and immunities granted by the several acts of incorporation to the Mill Creek Valley turnpike company, and subject to all the laws governing the same, except so far as the same may be inconsistent with the provisions of this act.

SEC. 8. *Be it further enacted*, That Wm. McKissic, Spivy McKissic, John Haddock, G. W. White, E. Thompson and T. B. Bond, and such other persons as may be associated with them, be and they are hereby constituted a body politic and corporate, under the name and style of the Springhill Manufacturing Company, in the county of Maury; and in that name may sue and be sued, plead and be impleaded; may buy and hold both real and personal property, or sell or dispose of the same for the use and benefit of said corporation; and may use a common seal, and have succession for ninety-nine years.

SEC. 9. *Be it enacted*, That the capital stock in said company shall be twenty-five thousand dollars, with the privilege of increasing the same to one hundred thousand dollars.

SEC. 10. *Be it enacted*, That the Spring Hill Manufacturing Company, be and they are hereby incorporated, with all the powers and privileges, and under the same regulations that are imposed on the Edgefield and Ali-sonian Manufacturing Company.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 4, 1850.

CHAPTER CCXXV.

An Act to extend the limits of the town of Clinton in Anderson county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Clinton in the county of Anderson be so enlarged as to include all the inhabitants that have settled adjoining said town, within the bounds of six hundred yards of the public square of said town; and that the corporation of said town be extended over said new part of the town, if the citizens of the new part agree thereto, and they shall be under the same rules, regulations and restrictions as the old part of said town is now under; and the sheriff of Anderson county is hereby required to hold an election in the town of Clinton on the last Saturday of May next, for the purpose of ascertaining whether they are willing for the corporation to extend over them or not, and those voting for it shall have the word "corporation" on their tickets, and those voting against it shall have the words "no corporation," and if a majority voting in favor of the said extension of the said corporation limits of the said town of Clinton, from and after the report of the sheriff of Anderson county to the mayor and aldermen of Clinton as aforesaid; all property and persons located within said extension of boundary mentioned above in this act, shall be in every respect subject to the same laws and regulations as in other parts of said corporation of said town now are.

SEC. 2. That one of the three justices of the peace elected for the town district, shall be a citizen of the town of Clinton, any law to the contrary notwithstanding.

SEC. 3. That the 8th section of the act entitled an act to reduce the several acts incorporating the town of Nashville into one act, and to amend the same, be and the same is hereby repealed.

Charter of Nashville repealed.

SEC. 4. *Be it enacted*, That Big Emery river be and the same is hereby declared navigable from the mouth of said river, in Roane county, to the mouth of Clifty, in Morgan county.

Big Emery River.

SEC. 5. *Be it enacted*, That the sale and conveyance by deed, bearing date 3d of January, 1850, of a certain lot or parcel of ground on High and Mechanics streets, in the town of Columbia, Maury county, of this State, made by the authority of the Mayor and Aldermen of said town, be and the same is hereby ratified and confirmed.

Deed ratified.

SEC. 6. *Be it enacted*, That the election to be held in

the town of Savannah, for the purpose of electing Mayor and Aldermen for said town, shall be held on the first Saturday in April, 1850, by the sheriff of Hardin county, after having given five days notice, and forever thereafter said election shall be on the first Saturday in January, in each and every year. Election in Savannah.

SEC. 7. *Be it enacted*, That all laws and parts of laws, incorporating the town of Maryville, in the county of Blount, be and the same is hereby repealed. Charter of Maryville repealed.

SEC. 8. *Be it further enacted*, That the sheriff of Humphreys county is hereby required to open and hold an election at the court house, in the town of Waverly, on the first Saturday in April next, in the same way and manner as provided for elections to be held for members to the General Assembly, to elect seven aldermen, who shall serve until their successors are elected according to the provisions of an act passed January 30, 1850, incorporating the town of Waverly, and the inhabitants thereof, in Humphreys county. Election in Waverly.

SEC. 9. *Be it enacted*, That if it shall so happen at any time that the small-pox shall exist in any of the counties in this State, or in case the county court of any county shall entertain a well-grounded belief that such disease does exist in any such county, then it shall, and may be lawful for any such court, and it is hereby made a part of the duty of said county court, to adopt such measures as they may think best to put a stop to such disease; the necessary expense of which shall constitute a county charge; and it shall be lawful for such court to order the payment of any such liability out of the county treasury. Small Pox.

SEC. 10. *Be it further enacted*, That the chairman, and any two of the justices in any county, shall be sufficient number of said court to carry the above act into effect.

LANDON C. HAYNES.

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CCXXVI.

An Act to authorize the President and Directors of the Union Bank of Tennessee to establish a branch or office of discount and deposit at Chattanooga.

Be it enacted by the General Assembly of the State of Tennessee, That the President and Directors of the Union Bank of Tennessee are hereby authorized to establish a branch or office of discount and deposit of said bank at Chattanooga, with the same rights, powers, and privileges possessed by other branches or offices of discount and deposit of said bank in this State, in relation to the establishment of branches or offices of discount and deposit, and under the same rules, regulations and restrictions; and that the President and Directors of the principal bank may from time to time appoint five directors who shall manage the affairs of said branch or office of discount and deposit, under the direction of the board of directors of the principal bank.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 8, 1850.

CHAPTER CCXXVII.

An Act to authorize the subscription of stock by certain chartered companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the White's Creek Turnpike Company be, and they are hereby authorized and empowered to subscribe for, have, hold and enjoy any number of shares of stock which they may deem advisable in any chartered company, or hereafter to be chartered, for the purpose of connecting said road with the town of Springfield, in Robertson county, and that they shall be entitled to the same privileges as other stockholders.

Lebanon and
Trousdale's Ferry
Turnpike Co.

SEC. 2. That the Lebanon and Trousdale's Ferry Turnpike Company, chartered at the present session of this General Assembly, be and they are hereby authorized to build said road, or any county road in the counties of Wilson or Smith, and to erect gates and collect tolls from all persons, as provided for in the act

aforsaid; And provided further, That the Mt. Juliett and Cedar Creek Turnpike Company, chartered at the present session of the General Assembly, be and they are hereby authorized to build said road on any county road in the counties of Davidson and Wilson, and to erect gates and collect tolls from all persons, as provided for in the act aforsaid.

Mt. Juliett and Cedar Creek Turnpike Company.

SEC. 3. *Be it enacted, That the Stone's River and Statesville Turnpike Company, chartered at the present General Assembly, be so amended as to allow said company to grade said road, within five degrees of a level, and to the same width of the Big Spring Turnpike road; and that they may also build said road on any county road in the counties of Davidson or Wilson; erect gates, collect tolls from all persons, as provided for in the act aforsaid.*

Stone's River and Statesville Turnpike Company.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 26, 1850.

CHAPTER CCXXVIII

An Act to provide payment for carpeting furnished for fitting up Halls for Legislation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of the State pay W. Greenfield three hundred and eighteen dollars for carpeting furnished for fitting up the Senate chamber and Hall of the House of Representatives.*

W. Greenfield.

SEC. 2. That twenty-five dollars be paid to W. Freeman & Co. for trimming and hanging five window blinds for Senate chamber.

W. Freeman & Co.

SEC. 3. That seventy-one dollars be allowed W. T. Berry & Co. for stationery furnished to the present Legislature since the making up of the general appropriation bill, and thirty-five dollars additional to Greenfield for a Speaker's chair, purchased by order of the House.

Berry and Greenfield.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER COXXIX.

An Act for the relief of the Militia of the second district of Jackson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Militia of the Second Civil District, in Jackson county, be and they are hereby exempt from attending the regimental and battalion musters in their county to which they belong.

SEC. 2. That the militia of said district shall, on the same days that their regimental and battalion musters come off in each and every year hold a company muster at some suitable place within their district, to be determined by a majority of them, hold a company muster, and for failing so to attend shall be subject to all the fines that they would be if they failed to attend the regimental or battalion musters, and that the officers of said company shall hold courts martial at their company ground, and a majority of them shall determine all cases of delinquencies of said company, and all fines assessed shall be collected in the same way as is now prescribed by law.

SEC. 3. That the captain shall, within each and every year, make out the strength and condition of his company, and report the same to the colonel of the regiment to which he belongs.

Militia of Morgan SEC. 4. *Be it enacted*, That the militia of the 8th and 9th civil district in the county of Morgan, be and they are hereby exempt from attending the regimental and battalion musters in their county to which they belong.

SEC. 5. *Be it further enacted*, That the militia of said districts shall be subject to the same rules, regulations and restrictions as provided for in the 2d and 3d sections of this act.

Militia of Lewis SEC. 6. *Be it further enacted*, That the regimental muster for the county of Lewis shall hereafter be held at Newburg, the county site of said county, until the militia thereof shall be divided into two regiments; and all regimental drills and courts martial shall be held at said town of Newburg, and be subject to the same rules and regulations as are now prescribed by law.

LONDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 30, 1850.

CHAPTER CCXXX.

An Act to incorporate the Cumberland Mountain Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Patrick Brady and Edward Brady, sen., be constituted a body politic and corporate, by the name of the Cumberland Mountain Turnpike Company, and shall have succession for thirty years, and in that name to sue and be sued, plead and be impleaded; said company are hereby authorized to open and construct a new turnpike road from Brady's stand, on Cumberland Mountain, to intersect the Crab Orchard Road near Crossville, and build and make said road equal to a first class road, according to the laws of Tennessee, at all places where the ground over which said road passes, will admit of it to be done, and shall erect bridges, and causeways, where necessary; they shall bridge Meadow creek, Clear creek and Obed's river, with good substantial bridges; well covered and banistered; said bridges to be at least fourteen feet wide.

SEC. 2. That John C. Ray, and James Eldridge, are hereby appointed commissioners to view and mark out said road, and when the said company shall give said commissioners notice, that the said road is opened and in good repair for travelling, it shall be their duty to attend and view said road, and if they find it opened in the manner prescribed by this act, then the said commissioners shall issue a license to the said company to erect a toll gate on said road at such place as said company may choose, and shall be entitled to the following toll, to wit: For each six horse wagon, drawn by six horses, mules, or oxen, seventy-five cents; for each four horse wagon, drawn by four horses, mules, or oxen, fifty cents; for each two horse wagon, drawn by two horses, mules, or oxen, twenty-five cents; for each pleasure carriage, drawn by two or more horses, or mules, fifty cents; if drawn by one horse, or mule, thirty cents; for each man and horse ten cents; for each led horse or mule, five cents; for each head of horses, mules or cattle, in a drove, two cents; for each head of sheep or hogs, in a drove, one cent.

Rates of Toll.

SEC. 3. That it shall be the duty of said commissioners, by this act appointed, to examine and view said road at any time on receiving due notice in writing that said road is out of repair, and if at any time they shall receive notice in writing as aforesaid and view the road and find it to be in the repair prescribed in this

Road out of repair

act, then, and in that case, the person or persons giving such notice, shall pay to said commissioners two dollars per day, for their time viewing said road; but if at any time said commissioners shall find said road not in the repair contemplated by this act, it shall be their duty to open said gate, and keep the same open while said road remains out of repair, and until the proprietors shall notify them that the said road is in the repair contemplated by this act; and on receiving such notice it shall be the duty of said commissioners to examine said road, and should it be found in the repair contemplated by this act, to shut the gate for the receiving toll.

SEC. 4. That if any person shall pass said gate arbitrarily, or in one mile thereof, for the purpose of avoiding the toll, such person or persons shall forfeit and pay for every such offence, to said company of said road, the sum of ten dollars, to be recovered by warrant before any justice of the peace in this State.

SEC. 5. That the commissioners appointed by this act shall, before entering upon the duties of their appointment, subscribe to the following oath: "I do solemnly swear that I will well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and abilities, so help me God." The said commissioners shall be entitled to receive at the rate of two dollars per day, for every day they may be necessarily engaged in performing the duties enjoined on them by this act, to be paid by the proprietors of said road.

LONDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CCXXXI

An Act to provide for cleaning out obstructions in the Hatchee River.

WHEREAS, by an act passed on the 29th October, 1847, and by an act passed on the 4th February, 1848, the sum of seven hundred and fifty dollars was appropriated to clear out obstructions in Hatchee River, to be drawn from the fund set apart heretofore for clean-

ing out Hatchee River by making draw-bridges, on three bridges therein named, the sum of two hundred and fifty dollars being set apart for each of said three bridges; AND WHEREAS, two of said bridges were torn down, and the money appropriated, to make draw bridges upon them, was not used by the commissioners; AND WHEREAS, by the act of 1838, Hatchee river was declared navigable to the mouth of Tuscumbia River, and a part of the money set apart for that river has been expended in cleaning out the river to the aforesaid limit; AND WHEREAS, the river is obstructed by a bridge over it on the road leading from Purdy to La Grange: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of three hundred dollars be appropriated out of the fund heretofore appropriated for cleaning out Hatchee River, and out of that portion of said fund set apart at the last session of this Legislature, to make draw bridges as aforesaid, for the purpose of making a draw bridge on Simpson's bridge, over Big Hatchee river, so as to afford a convenient and safe navigation for steamboats to ply from the mouth of Hatchee to the mouth of Tuscumbia river, above the said bridge.

SEC. 2. That William Simpson, Rufus P. Neely, and Commissioners. Jesse Franklin, are hereby appointed commissioners for the making said draw bridge, who shall let out the contract to the lowest bidder.

SEC. 3. That the county court may require a bond to be given by the contractor for making the said draw bridge, in double the amount bid, for the faithful execution of the work.

SEC. 4. That the work when finished shall be subject to the inspection of the county court of Hardeman county, who may receive the same or not.

SEC. 5. That the commissioners aforesaid be and they are hereby authorized to draw for the amount hereby appropriated, upon whatever Bank the aforesaid river fund may be deposited in, or upon the commissioners in whose hands it may be.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed October 24, 1849.

CHAPTER CCXXXII.

An Act to amend an Act entitled an Act to charter the Bledsoe Creek Turnpike Company, in the county of Sumner, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of an act passed 12th December, 1845, to charter the Bldsoe Creek Turnpike company, shall be so amended that in lieu of that part of said section of said act which says, that "in every particular to be as well done and performed as the Lebanon and Nashville turnpike road," shall be adopted, the following amendment to wit: that the grade of said road shall be thirty and metalling of the same sixteen feet wide.

SEC. 2. *Be it enacted*, That the seventh section of said act be so amended as to extend the time of completing said road to the 12th day of December, 1851.

SEC. 3. *Be it enacted*, That T. Dodson, J. Wright, M. T. Brooks, B. F. Gleaves and H. Hagar, of the county of Davidson, and W. Williamson, G. Williamson, J. Crudup, G. T. Gleaves, W. T. Young, of the county of Wilson, be and they are hereby appointed commissioners, a majority of whom shall designate and mark out a turnpike road, to commence with the Nashville road near T. Dodson's, in Davidson county; thence with said road, on the most practicable route, by the way of Mt. Juliett, in Wilson county, to the distance of ten miles; said commissioners shall open books at such time and place as they may deem advisable, to receive subscriptions for shares in said road stock, the shares of which shall be twenty-five dollars, and the capital stock not exceeding twenty-five thousand dollars, to be paid in labor or money, as said company may order.

SEC. 4. *Be it enacted*, That as soon as five thousand dollars be subscribed, the stockholders may appoint, from their body, a president and directors, and they are hereby constituted a body politic, with the right to sue and be sued, to plead and be impleaded, by the name and style of the Mt. Juliett and Cedar Creek Valley Turnpike company, with all the privileges, powers, immunities, rights, liabilities, obligations and restrictions granted to and imposed on the Big Spring turnpike company, except said road may be graded varying from three to five degrees; and said president and directors may commence said road when they are organized, as herein provided; and said company may put up a toll gate, to be located at their discretion, as soon as five miles of said road is completed; and also a toll gate for every additional five miles, when said road is completed.

Mt. Juliett and
Cedar Creek
Valley Turn-
pike Company.

Incorporation.

Gates.

SEC. 5. *Be it enacted,* That said stockholders may, if they choose, extend said road to the distance of seventeen miles, in or near the same direction; said road to be built on the same plan of the Big Spring turnpike road.

LANDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed December 5, 1849.

CHAPTER CCXXXIII.

An Act to charter a company to erect and control a Theatre in the city of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a company to be entitled the Adelphi Theatre Company, shall be, and is hereby established, with a capital of ten thousand dollars, which may be increased to twenty thousand dollars; that the stock of said company shall be divided into shares of twenty-five dollars each, to be subscribed with the commissioners hereinafter named, and paid in as the directors, to be elected, may call for it; *Provided,* Said corporation pay a bonus of one-fourth of one per cent. on the capital stock, for common school purposes, annually.

SEC. 2. The subscribers for said stock, their successors and assigns, are hereby created a body politic and corporate, by the name and style of the Adelphi Theatre Company, and in and by said name, they shall have capacity to contract and be contracted with, sue and be sued, have and use a common seal; shall have authority to elect all necessary officers, and to pass and establish all by-laws, rules and regulations for the successful management of the affairs of the company.

SEC. 3. The object and business of said company shall be to erect in the city of Nashville an appropriate and handsome building for the legitimate drama, and by proper rules and regulations, to elevate the character of stage representations; and said company are authorized to purchase and hold by their corporate name a suitable lot for such a building, in the city of Nashville.

SEC. 4. That Hugh Kirkman, J. P. W. Brown, E. G. Eastman, John B. Johnson, John M. Bass, and Sterling

R. Cockrell, are hereby appointed commissioners to open books for the subscription of the stock; and they, or a majority of them, are authorized to keep the same open till a sufficient sum be taken; said commissioners shall give ten days notice that an election will be holden for the purpose of electing a board of nine directors, to whom shall be entrusted the management of the affairs of the company; they shall elect a president of the board from their own number, and fill the vacancies in the same.

SEC. 5. The election of the board of directors and such other officers as may be necessary, shall be holden annually at such time and place as the stockholders may direct, and the old board may hold over, till a new one is elected.

SEC. 6. That each and every stockholder shall be liable for the full amount subscribed by him, but a payment in full of said subscription to the authorized agent of the company, shall be a discharge from further liability.

SEC. 7. The stock may be transferred by assignment, and the original subscriber and assignee shall be bound, till the subscription be paid in full, and each stockholder shall be entitled to one vote for each share of stock owned, which may be given at elections, in person or by proxy.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed January 7, 1850.

CHAPTER CCXXXIV.

An Act to change the time of comparing the polls in, the election of Representatives of Campbell and Anderson counties.

Be it enacted by the General Assembly of the State of Tennessee, That in the election of Representatives for the counties of Campbell and Anderson, the polls be hereafter compared at Clinton, on the next Monday after the election, instead of the next Saturday as heretofore.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CCXXXV.

An Act to authorize Euclid Waterhouse & Co. to open a Turnpike Road, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Euclid Waterhouse and Company are hereby authorized to open and cut out a turnpike road commencing at or near the house of Elisha Dodson, in Polk county, Tennessee, and intersecting the Georgia road at some point between William Mills' and the Copper mines, which road, where the country will admit of it, shall be cut eighteen feet wide clear of stumps and other obstructions, and where the road has to be causewayed, it shall be at least twelve feet wide clear of stumps and other obstructions, and if there should be any creeks, that from their nature shall require it, there shall be a good and substantial bridge built; said road is to be commenced within two years from the passage of this act, and to be completed within four years from the commencement.

SEC. 2. *Be it enacted by the authority aforesaid*, That said road shall be always kept in good repair, and if it shall be permitted to be and remain out of repair for one month at any one time after the road is opened, and established by the commissioners hereafter appointed by this act, said commissioners shall immediately make report thereof to the county court of Polk county, if it should be three months before the meeting of the Legislature; and when said court shall receive said report, they shall also proceed to open said turnpike gate, and keep the same open until the said road shall be by them adjudged to be in good repair; they may grant a license under their hands and seals to said proprietors to shut said gate, for the purpose of exacting toll, and if said proprietor or proprietors shall directly or indirectly, exact, take, or receive any toll during the time said commissioners set said gate open, said proprietors shall forfeit and pay, for every such offence, the sum of ten dollars, to be recovered before any justice of the peace, in this State, by any person that will sue for the same; and if the road should be permitted to be and remain out of repair at any time within three months before the meeting of the legislature, said commissioners after setting open the gate shall report the same to the General Assembly, whose duty it shall be to elect a proprietor or proprietors, and when so elected, they shall be entitled to receive all the toll rated in this act, and shall be bound in the same regulations, restrictions and penalties as are prescribed by this act for the original proprietor to do and perform.

SEC. 3. *Be it enacted,* That the proprietors shall give ^{To give bond.} bond with sufficient security in the sum of two thousand dollars to the governor for the time being, and his successors in office, conditioned for the true and faithful performance of all duties enjoined upon them by this act, which bond shall be filed in the secretary's office, and the legislature may direct the attorney general for the district wherein said proprietors live, to commence suit against said proprietors on said bond, if satisfactory proof, either by report of said commissioners or otherwise, shall be given them that said road has been one month out of repair at any one time.

SEC. 4. *Be it enacted,* That William Mills, Elisha ^{Tolls} Dodson and Abraham Lillard, of the county of Polk, are hereby appointed commissioners, whose duty it shall be, at any time called upon by said proprietors, to proceed to view and mark out said road agreeably to this act; and they or any two of them shall be competent at all times to do and perform all the duties and acts required of them by this act; and when the proprietors shall notify said commissioners, that said road is cut out and completed for use, said commissioners shall proceed to examine said road, and if, in their opinion, the road is in the order contemplated by this act, they shall proceed to license said proprietors to keep a toll gate; which license shall be under their hands and seals; and said proprietors may erect a toll gate on the most convenient part of said road, and shall be entitled to receive the following rates of toll: For each wagon and team, seventy-five cents; for each cart and team, fifty cents; for each four wheeled pleasure carriage, one dollar; for each two wheeled pleasure carriage, fifty cents; for each man and horse or mule, ten cents; for each led horse or mule not in a drove, six and a fourth cents; for each horse or mule in a drove, three cents; for each head of cattle or sheep, two cents; for each head of hogs, one cent.

SEC. 5. *Be it enacted,* That the commissioners herein appointed shall, before they enter on the duties of their appointment, take an oath before some justice of the peace, to faithfully discharge the duties of the same, and the aforesaid commissioners shall be entitled to receive one dollar per day for every day they may be necessarily engaged in performing the duties enjoined by this act, to be paid by the proprietors.

SEC. 6. *Be it enacted,* That if any part of said road shall be out of repair at any time after it is received by said commissioners, and by reason of which, any person shall sustain any damages, either in person or property,

he, she or they may sustain an action on the case against said proprietors.

SEC. 7. *Be it enacted*, That if any person or persons shall pass arbitrarily said gate, or go around the same, within one mile thereof, for the purpose of evading the toll, such person or persons shall forfeit and pay, for every such offence, to said proprietors the sum of twenty-five dollars, to be recovered by action of debt before any justice of the peace in the State. Penalty for evading gates.

SEC. 8. *Be it enacted*, That Moses Winter, Henry H. Wiley and Elijah Cross, have the further time of three years, to cut out and put in repair a turnpike road, agreeably to a charter granted to said company by an act passed the 2nd of February, 1846; and the said Moses Winter, Henry H. Wiley and Elijah Cross, and their heirs, shall have and enjoy all the privileges granted to them by said charter, for the term of forty years and no longer. Moses Winter & others.

SEC. 9. *Be it enacted*, That the privileges hereinbefore granted to Euclid Waterhouse, shall continue for thirty years from the passage of this act; but that the citizens of Polk county, (within which said road exclusively runs,) shall at all times be exempt for paying tolls for traveling thereon to or from church, mill, battalion muster, and blacksmith shops.

SEC. 10. *Be it enacted*, That the Washington and Walnut Mountain turnpike company, incorporated by an act passed February 4, 1848, shall have the further time of four years from the 11th of March next, to organize and complete said road, with the privilege of increasing the capital stock to the number of four hundred shares, together with the privilege of erecting a bridge across the Nole Chucky river, at or near the point known as the Bank. Washington and Walnut Mountain Turnpike Company.

SEC. 11. *Be it further enacted*, That the said company have the further privilege of extending said turnpike down the said river so as to include the Sluice Hill, and that said company shall construct and finish said road in such manner as five disinterested commissioners, to be appointed by the county court of Washington, shall direct and deem sufficient; and when so completed, the said company shall have the privilege of erecting three toll gates on said road, one at the bridge, one on the mountain, and another equi-distant between the bridge and the said Sluice Hill; *Provided*, That the said company shall not charge more than one-third of the amount of toll authorized to be received in the original charter, at any one of the said three gates.

SEC. 12. *Be it enacted*, That in addition to the com-

Additional Commissioners.

missioners heretofore appointed, the following be added, viz: Wm. F. Erwin, Leroy W. Sand, Thos. Brown, son of Jno. Brown, Isaac Rice, Wm. E. Tilson, Isaac C. Sams, and the majority of said board shall constitute a quorum to do business.

Cairo and Gallatin Turnpike Company.

SEC. 13. *Be it enacted*, That Joseph Robb, John Askew, John O. Higginson, Hugh Coly, Stephen Stone, John Vaughan, John Chambers and Alexander Williams, be and they are hereby appointed commissioners to open books and receive subscriptions for constructing a turnpike from Cairo to Gallatin, in Sumner county.

SEC. 14. That when said commissioners shall have received subscriptions, in their opinion, sufficient to build two-thirds of said road, they shall call a meeting of the subscribers for stock, who shall then organize and shall be deemed and held a body corporate, by the name and style of the Cairo and Gallatin Turnpike Company, and may have a capital stock of ten thousand dollars.

SEC. 15. That said company are hereby invested with all the rights, powers and privileges, and shall be liable to all the rules, regulations and restrictions of the Bledsoe Creek turnpike company, as amended at the present session of the General Assembly; except as herein otherwise provided.

SEC. 16. That said company may provide for the payment of stock in work on the road, or cash; and shall have until the first day of January, 1852, to complete said road.

Tolls. SEC. 17. That when completed, said company shall have the right to erect one toll gate thereon, to be placed within one mile of the town of Cairo or Gallatin, and to charge the same rates of toll allowed the Bledsoe Creek turnpike company.

SEC. 18. That said company shall lay out and construct said road, commencing at Cairo on main street, and running upon or as near the road leading to Gallatin as practicable, and intersecting the Bledsoe Creek turnpike, at or near the residence of Dr. Jas. A. Blakemore.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 5, 1850.

CHAPTER CCXXXVI.

An Act to charter Eagleville, Unionville and Shelbyville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chesley Williams, Williamson Jordan, Thomas Jordan, Noah Scales, Johnson Jordan, sr., John Jordan, Minos C. Jordan, Wm. M. Nunn, Wm. R. Nunn, Alfred S. Ogilvie, Joshua Johnson, John Harley, jr. and D. D. Russell, of Williamson county; Jas. Garrett, Kimbro Allison, Stephen Wood, David Putillo, James Mankins, William Taylor, Willie Perry, Thomas Cheatham, William Little, Alfred Ransom, Wm. Collins, Thomas Allison, Wm. Allison, Wm. C. Blanton, Anderson Rucker, James Harris, Anderson Landers, John Rushing, Gabriel Low, George Wadley, John Wood, John Primrose, James Clardy, Wm. Jennings, Wm. H. Wisener, Robert Moffatt, Robert Conner, Robert Matthews and Edinond Cooper, of Bedford county, be and they are hereby appointed commissioners to open books of subscription, at such time and place as they may think proper, for the purpose of receiving subscriptions of stock to be used in the construction of a turnpike road, to commence on the Farmington and Fayetteville turnpike, at a point between Dr. Wm. S. Webb's and Big Harpeth, running thence through Eagleville and Unionville; thence the most practicable route to Shelbyville, in Bedford county.

SEC. 2. That the capital stock of said company shall be an amount sufficient to build said road, not to exceed fifty thousand dollars, divided into shares of twenty-five dollars each, which may be paid in labor on said road, and as soon as two hundred shares shall have been subscribed, a meeting of the stockholders shall be called at Wm. Taylor's Esq., in Bedford county, by any two or more of the commissioners above named, of which meeting they shall give at least thirty days' notice in some newspaper printed in Nashville; at which meeting the stockholders shall elect five directors, one of whom shall be president; and the said president and directors, and their successors in office, shall be and are hereby incorporated and made a body politic, under the name and style of the Eagleville, Unionville and Shelbyville Turnpike Company, and shall be entitled to the same rights, powers and privileges, and subject to the same liabilities and restrictions, as the Nolensville turnpike company; except as they are altered by this act, and except that the State shall not be held liable for any portion of stock in said company; the president and directors thus chosen shall

Capital Stock.

Elections.

continue in office two years, and until the election of their successors, of which election twenty days' notice shall be given by the president, in written advertisements, at the most public places on the road, or in some newspaper printed in Nashville; the president and directors shall have power to open books, at such time and places as they may think proper, for the subscription of the remainder of the stock, and they shall have power also to make contracts for opening and constructing said road; and may, from time to time, require such advances upon the stock subscribed, as the wants of the company may require; **Call on Stock.** *Provided*, No call shall be made for more than five dollars on each share at any one time, of which sufficient notice shall be given.

Style of Road. SEC. 3. That said company shall construct said road in the same way that the Nolensville road has been made, or they may cause said road to be graded twenty-seven feet wide, and within five degrees of a level, and covered with fine beaten stone or gravel eighteen feet wide and nine inches deep, with ditches on each side.

Route of Road. SEC. 4. That Williamson Jordan, Chesley Williams, and Minos C. Jordan, of Williamson county; J. Markins, Wm. Taylor, William Allison, John Rushing and Wm. Jennings, of Bedford county, are hereby appointed commissioners, any four of whom may act to view and lay off the nearest and most practicable route for said road, for which services the commissioners shall receive two dollars per day, to be paid by the company.

Gates and Tolls. SRC. 5. That so soon as five miles of said road is completed from where it intersects the Farmington and Fayetteville road; said company may then erect a toll gate five miles from the first gate on the Farmington and Fayetteville turnpike road; and shall continue to erect toll gates and receive toll for every five miles on the Eagleville, Unionville and Shelbyville turnpike road, from the first gate erected on said road; (*Provided*, No gate shall be erected nearer Eagleville and Shelbyville than one mile and a half,) and shall be allowed to charge and receive the same rates of toll allowed by the charter of the Nolensville turnpike company.

SEC. 6. That if sufficient stock cannot be secured to complete the road to Shelbyville, the company may stop it at any point they may see proper after making five miles.

Lebanon Branch Turnpike Company. SEC. 7. *Be it enacted*, That A. A. Kerr, A. Jackson, jr., Stokeley Donelson, William Donelson, Dr. Hiddle and R. A. Turner, and such others as may become associated with them, are hereby incorporated and made a body politic, by the name and style of the Lebanon

Branch Turnpike Company; may sue and be sued; have a common seal, and succession for ninety-nine years.

SEC. 8. *Be it enacted*, That any five of the above named persons are hereby authorized to open books for subscription for stock, in money or work at cash valuation, for the purpose of constructing a turnpike road from the Lebanon turnpike road, near the farm of Parson Kerr, and running northwardly as near to the present dirt road as may be most convenient, passing Stokeley Donelson's towards Goodrich's ferry, on Cumberland river; with all the rights and privileges granted by the several acts of incorporation to the Mill Creek Valley turnpike company, and be subject to all the laws governing the same; except so far as the provisions of said acts be inconsistent with the provisions of this act; and said company may be considered as formed, so soon as three thousand dollars be subscribed.

SEC. 9. *Be it further enacted*, That the Shelbyville, Farmington and Lewisburg turnpike company shall not be deprived of the benefit of their charter, provided they complete their road within the time limited in their act of incorporation from Shelbyville to Farmington; and that said charter shall continue for the term of ninety-nine years; that an act passed January, 1850, entitled an act to incorporate the Franklin and West Harpeth turnpike company, and for other purposes, chartering said Franklin and West Harpeth turnpike company, be so amended as to require said road to pass the fork of the Charlotte road.

Shelbyville, Farmington & Lewisburg Turnpike Company.

Franklin & West Harpeth Turnpike Company.

SEC. 10. *Be it enacted*, That the second section of an act passed 4th February, 1848, entitled an act to charter the Newport turnpike road, be and the same is hereby repealed.

Newport Turnpike Road.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 7, 1850.

CHAPTER CCXXXVII.

An Act to incorporate the Franklin and Murfreesboro' Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That John Lytle, James M. King, B. W. McCulloch, Lewis M. Manny, William Spence, J. C. Moore, J. Leiper, B. F. Pucket, E. A. Ruble, and T. H. Crichlow, of the county of Rutherford, and Allen T. Nolen, W. O. N. Perkins, Gilbert Marshal, F. Stith, Archibald Lytle, John E. Tullup, John S. Claybrook, James Bos'ick, Jonathan Bostick, and William King of the county of Williamson, or any two of them together, are hereby appointed commissioners to open books at such time and place as they may deem proper, for receiving subscriptions to the amount of fifty thousand dollars, with the privilege of increasing it to one hundred thousand dollars, to be applied to the making of a McAdamized Turnpike road from Franklin to Murfreesboro', passing upon the bed of the county road from Franklin by McConico's meeting house; thence to intersect with the Harpeth turnpike road, near Archibald Lytle's; thence with said road to Petersburg, to intersect with the Nolensville turnpike road at a lane south of Jonathan Bostick's; thence with said lane to the Rutherford county line, in that direction which may be agreed upon by the directors or commissioners appointed by them; and thence to the Rutherford county line; thence to the town of Murfreesboro' in such route as may be determined upon as above, consistently with the interest and convenience of the company; the said sum of fifty thousand dollars shall be divided into shares of fifty dollars each, and when the sum of one thousand dollars or more shall be subscribed, said commissioners, or any twelve of them, shall call a meeting of the subscribers or stockholders at such time and place as they may deem most advisable and convenient, of which ten days notice shall be given in some newspaper published in the towns of Murfreesboro' and Franklin; and the said stockholders and those who may hereafter become such, from and after the first meeting, shall be and they are hereby constituted a body corporate and politic, by the name and style of the Franklin and Murfreesboro' turnpike company, and shall so continue for ninety-nine years, and assuch, and by that name, may sue and be sued, plead and be impleaded, answer and be answered, sell and purchase for the purposes of said company, and have a common seal, with power to alter or renew the same at pleasure; said stockholders, or a majority of

them, at said meeting, shall proceed to elect seven directors, being stockholders, who shall elect one of their number president of the board of directors; such president and directors, thus elected, shall continue in office until their successors are elected and take their seats at the board; said president and directors shall have all the powers which by law are conferred upon the president and directors of the Franklin turnpike company; and the calls upon the stock shall be at the same rate, and in the same manner as provided for in said act; notice thereof being given in some newspaper published in Franklin and Murfreesboro'.

SEC. 2. *Be it enacted*, That if any of the stockholders shall fail to pay the stock by them respectively subscribed, the same proceedings may be had as is authorized by the second section of the Franklin turnpike company.

SEC. 3. *Be it enacted*. That the president and directors, or any five of them, shall constitute a quorum for the transaction of business; and all vacancies happening in the board between the regular meetings of the stockholders, shall be supplied by the directors, two thirds being present, and that at any meeting of the president and directors, the same proceedings shall be had as are directed by the third section of the act incorporating the Franklin turnpike company, and that the stock in said road shall be personal property, and transferable on the books of the secretary, by the owner under his own hand, or by the secretary, in pursuance of written authority, to be filed from the owner to said officer or the president, and the assignee and his or her heirs, shall to all intents and purposes be thereby constituted a member of said company, subject to all the rules and regulations thereof.

SEC. 4. *Be it enacted*, That immediately after the election of directors, they, or a majority of them, or such persons as they may appoint, shall proceed to survey and mark out said road in such manner as they shall direct, and under the provisions of this act; and that said persons, so surveying and marking out said road, shall receive, as a compensation for such service, the sum of two dollars per day.

SEC. 5. *Be it enacted*. That said road shall be opened at least thirty feet wide, fourteen of which may be a summer road, at the discretion of the stockholders, with ditches at each side, to carry off the water; it shall be substantially paved with stone or gravel, and have substantial and sufficient bridges and culverts where they are necessary; and that in letting out the construction

of said road, the subscribers of stock shall have the preference, when they will do the work as low as any other persons offering to do the same and with equal skill.

SEC. 6. *Be it enacted*, That the directors elected under this act shall cause books for the subscription of stock to be kept open under the superintendence of such persons as they may select, and at such times and places as they may deem proper; and if after the expiration of thirty days after the opening of said books, they should conclude that there is not enough stock subscribed to build said road, they may proceed to receive contracts for the construction of so much of said road as may not have been let out by said directors, in distances of one half mile, or mile or so much thereof as they may think proper in such manner as they may direct; and any person or persons undertaking and making any such half mile or mile of said road, shall be credited on the books of the company with an amount of stock equal in valuation to the valuation of making said half mile or mile of said road, and certificates of stock shall issue as though the money had been paid.

SEC. 7. *Be it enacted*, That the annual meeting for the choice of directors after the first, as before directed, shall be on the first Monday of January, in each year, and in voting for directors or for any other purpose, each member shall be allowed one vote for each share, and in any meeting of the stockholders a number constituting a majority of the shares composing the stock of said company, shall be a quorum for the transaction of business.

SEC. 8. *Be it enacted*, That so soon as five miles of said road shall be completed from the towns of Franklin and Murfreesboro', the company shall have the privilege of erecting one gate thereon; and one gate for every successive five miles from each of said towns; said company shall be authorized, upon the completion of said road from Murfreesboro' to Franklin, to erect six gates, having the gates at the two extreme ends of said road, not nearer than one mile and a half from either of said towns, and the remaining four equidistant on the remainder of said road as the president and directors shall determine; said company shall have the power to appoint toll gatherers at each gate, who shall have the privilege to collect toll under the direction and control of the company, at each gate, not exceeding the following rates, viz: For every twenty head of sheep or hogs, ten cents; for every twenty head of horned or neat cattle, twenty-five cents, for every horse or mule, not

Gates.

Tolls.

employed in drawing a carriage, three cents; and so on in proportion for any larger or less number of the above mentioned animals; for every pleasure carriage, drawn by two or more horses or mules, twenty-five cents; for every carriage, wagon, or cart, drawn by one horse or mule, ten cents; for every loaded wagon, drawn by two horses, mules, or oxen, fifteen cents; for the same, empty, ten cents; for every loaded wagon, drawn by three horses, mules or oxen, twenty cents; for every loaded wagon, drawn by four horses, mules, or oxen, twenty-five cents; and for every additional horse, mule, or oxen employed in drawing a wagon, five cents; *Provided*, That every wagon, drawn by more than six horses, mules, or oxen, [may be charged ten cents for each horse, mule, or oxen] over six, unless the tire on the wheels of said wagon shall be at least four inches wide; for every empty wagon, not otherwise provided for, half the toll charged upon the same when loaded; for every man and horse, five cents; every vehicle used for the purpose of carrying burthens, shall be charged as wagons, in proportion to load.

SEC. 9. *Be it enacted*, That said company shall have all the rights and privileges which are by law conferred on the Franklin Turnpike company, except as herein may be restricted.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 24, 1850.

CHAPTER CCXXXVIII.

An Act to amend An Act to, Incorporate the City Exchange Company of Memphis.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the City Exchange Company of Memphis is hereby authorized to deal and trade in coal, for fuel, and may buy, sell, receive on storage or commission, said article, and dispose of the same; *Provided*, That said company shall at no time sell such coal at a higher price than fifty cents per horse, containing at least two bushels and a half; and shall keep on hand at all times, not less than five thousand barrels of the same.

SEC. 2. *Be it enacted*, That this act shall not be so con-

strued as to give said company any exclusive privilege, and that the same shall cease and become void, should said company or their agents violate either of the restrictions contained in the first section of this act.

SEC. 3. *Be it enacted*, That the privileges hereby granted shall become forfeited and void, if said company shall at any time fail or refuse to pay any debt by them contracted, within thirty days after the same shall have fallen due, and payment thereof shall have been demanded; and the legislature may repeal, modify or amend this act, as the wants or interests of the people of Memphis may require.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 14, 1850.

CHAPTER CCXXXIX.

An Act to amend the 9th Section of an Act relative to the Commissioners of the River Fund for the Western District, passed 5th February, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the present acting river commissioners for the Forked Deer River, shall make out a report containing, first, the state and condition of the improvements made upon said rivers, and the amount expended upon each river; secondly, the names of the commissioners who have had the control of the fund appropriated to said Forked Deer Rivers, from time to time, and the amount which has been paid to each commissioner; which report the board of commissioners for said rivers shall cause to be published in the West Tennessee Whig, at Jackson, on or before the first day of May, 1850, and the expense of publishing the same shall be paid out of the fund appropriated for the improvement of said rivers.

SEC. 2. Should said commissioners, or a majority of them, fail or refuse to make report as required by the first section of this act, it shall be the duty of the attorney general for the counties of Madison, Haywood, and Lauderdale, to cause indictments to be filed *ex-officio*, against each commissioner so failing or refusing; and thereupon, on conviction, the judge of the court

for the tenth judicial circuit, shall cause a judgment for fine to be entered against each one of said delinquent commissioners, in the sum of fifty dollars, with cost; and the said attorney general shall be entitled to five dollars in each case, to be taxed in the bill of costs.

WHEREAS, the sum of one hundred thousand dollars was appropriated heretofore by the Legislature of the State of Tennessee, for removing the obstructions in the rivers in East Tennessee; AND WHEREAS, the sum of fifteen thousand dollars of that appropriation is yet unexhausted, and is in the Branch of the Bank of Tennessee, at Athens: Therefore,

SEC. 3. *Be it enacted*, That of that sum, so in the Big Poplar. Bank at Athens, the sum of eight hundred dollars is hereby appropriated to removing the obstructions to the navigation of Big Poplar, a navigable stream in the county of Roane, and a tributary of Clinch River.

SEC. 4. *Be it enacted*, That Moses C. Winter, Thos. ~~Commissioners~~ Gallaher and George W. Lower, all of the county of Roane, are hereby appointed commissioners for the improvement of the navigation of Big Poplar; and shall be authorized to draw the aforesaid sum of money, to wit: the sum of eight hundred dollars from the Branch of the State Bank at Athens, which sum the Bank is hereby authorized to pay to said commissioners for the purposes specified in this act.

SEC. 5. *Be it enacted*, That before the commissioners Give Bond. specified in this act, shall be entitled to receive the said sum of money, they shall give bond, with good and sufficient security, to the chairman of the county court of Roane, for the faithful appropriation of the money received by them, to the improvement specified in this act, and the clerk of the county court of Roane county shall take said bond by the direction of the county court, and by any violation of the bond by the commissioners, or any one of them, the county court shall direct suit against the commissioner or commissioners, [and the damage recovered shall be appropriated] to the purposes of this act.

SEC. 6. *Be it enacted*. That if said commissioners or either of them, shall wilfully misappropriate the funds or any part thereof, to any other object not specified in this act, or shall directly or indirectly become a partner in any contract for the improvement of said Big Poplar, they or either of them, shall be guilty of a misdemeanor, and on conviction shall be punished accordingly.

SEC. 7. *Be it enacted*, That the county court of Roane Vacancies. county shall have the power to supply the places of

either of said commissioners, if any one should die, decline or remove; and on application of the county court said commissioners shall exhibit an account of the expenditure of the money at any time.

SEC. 8. *Be it enacted*, That before the Bank at Athens shall pay the said sum of money to said commissioners, they shall produce a certificate from the clerk of the county court of Roane county, that they have given bond as required by this act.

SEC. 9. *Be it enacted*, That said commissioners shall be entitled to two dollars per day out of said appropriation for each day they may be engaged in the improvement of said navigable stream.

SEC. 10. *Be it enacted*, That out of the said sum of fifteen thousand dollars, now in the Branch Bank of the State of Tennessee, at Athens, there shall be one thousand dollars appropriated out of said sum to the improvement of the navigation of Big Emery from the mouth of said river, in Roane county, to the mouth of Clifty, in Morgan county, and that Azeriah Cooper and John Wilson, of Roane county, and Charles Francis, of Morgan county be, and they are hereby appointed commissioners for the improvement of the navigation of said river, and shall be governed by the same rules, and liable to the restrictions, and receive the same compensation for their services as other commissioners appointed by this act, for the improvement of Big Poplar.

SEC. 11. *Be it enacted*, That Big Indian Creek, a tributary stream of Big Poplar, be and the same is hereby declared navigable from the mouth of said creek to the junction of East and West Indian Creek.

SEC. 12. *Be it still further enacted*, That out of the sum of fifteen thousand dollars, now in the Branch Bank of the State of Tennessee, at Athens, there shall be five hundred dollars appropriated to the clearing the bar at Lookout Shoals; that the sum of five hundred dollars be appropriated to clear the obstructions in the Tumbling Shoals; that the sum of five hundred dollars be appropriated to the erection of a pier above the suck, of sufficient size for a windlass to operate by horse power, so as to wind up steamboats over the suck, and the further sum of five hundred dollars be appropriated for the removal of rock and gravel at the right hand point of the Boiling Pot; all of said improvements on the Tennessee River, and in Hamilton and Marion county, and State aforesaid; and that James A. Whitesides, William Clift and Samuel Williams, be and they are hereby appointed commissioners to superintend said improvements, and they shall be required

to give similar bond, and be subject to the same liabilities, and be required to do similar duties, and receive the same pay that the commissioners of Roane county, for the improvement of Big Poplar, as specified in the amendatory act which this is intended to amend, and in case of death, or resignation or removal of the office of aforesaid commissioners, the county court of Hamilton shall appoint their successors; *Provided*, That the treasury of the State shall in no event be liable for any thing herein appropriated.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 7, 1850.

CHAPTER CCXL.

An Act to authorize payment for certain improvements and repairs of the Lunatic Asylum buildings.

Be it enacted by the General Assembly of the State of Tennessee, That the 29th section of the act of 5th February, 1848, ch. 221, be so amended to authorize the payment out of the treasury of the State, of the cost of constructing the two cisterns, and of making the necessary repairs on the building, therein directed, with any interest which may have accrued on the payment by the trustees of the accounts thus incurred.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 29, 1850.

CHAPTER CCXLI.

An Act to authorize Thomas C. Johnson to build a saw mill in Carter county, and for other purposes.

Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for Thomas C. Johnson to turn one half of the water out of Doe River for the purpose of propelling a saw-mill, grist-mill, and other machinery; *Provided,* He shall turn it out and turn it into the original stream upon his own land.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 1, 1850.

CHAPTER CCXLII.

An Act to amend the charter of the Tennessee Conference Relief Fund of the Methodist Episcopal Church, South.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the second section of an act passed 29th of October, 1847, chapter 2d, entitled an act to incorporate the Tennessee Annual Conference Relief Fund of the Methodist Episcopal Church, South, as requires the trustees of said fund to hold their annual meeting at such time and place as shall be appointed for the meeting of said conference, be and the same is hereby repealed.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CCXLIII.

An Act to incorporate the town of Waverly, in the county of Humphreys, and the inhabitants thereof, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Incorporation.} *State of Tennessee,* That the town of Waverly, in the county of Humphreys, and the inhabitants thereof, are hereby incorporated by the name and style of the Mayor and Aldermen of the town of Waverly, and shall have perpetual succession, and by their corporate name sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said town, and may have a town seal.

SEC. 2. *Be it enacted,* That the corporation of the town of Waverly, shall include the original plan of said town as laid off in the year 1838.

SEC. 3. *Be it enacted,* That the corporation aforesaid, ^{Powers.} shall have power and authority to enact such laws and ordinances, necessary and proper to preserve the health of the town, and prevent and remove nuisances, to establish night watches and patrols; to ascertain when necessary, the boundary and location of streets, lots and alleys; to establish new streets, lanes and alleys with the consent of the proprietors of the property through which said streets and allies are to be made; to provide for licensing, and regulate auctions; to retain and prohibit theatrical exhibitions and shows, within the corporation limits of said town, and the corporate authorities shall have power to impose upon shows, exhibitions, &c., such tax for the use and benefit of said corporation, as they shall think proper; to pave and keep in repair the streets, and to pass all laws necessary for the town; to erect and to regulate markets; to appoint a Recorder, Treasurer, Town Constable and Collector of Public Tax, in and for the benefit of said corporation; to provide for the organization of fire companies; to procure water by digging wells or otherwise; to erect and regulate pumps in the streets; to restrain tipping houses, and to pass all laws for the regulation of the town: to impose and appropriate fines, penalties and forfeitures of the breach of the by-laws and ordinances; to lay and to collect taxes for the purpose of carrying the necessary means herein granted into effect, for the benefit of said town, and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect. *Provided,* they are not

incompatible with the constitution and laws of this State, and the United States.

Fines SEC. 4. *Be it enacted*, That the Mayor and Aldermen shall have power in the name of the corporation, to impose fines in all cases of breach of the peace, assaults and batteries &c., and collect the same by execution, which shall in no case be stayed, for the use and benefit of said corporation.

Non-residents. SEC. 5. *Be it enacted*, That the laws and ordinances of said corporation, shall be in no wise obligatory upon the persons or property of non-residents of said town, being citizens of the State, unless in case of intentional violation of the by-laws or ordinances previously promulgated. *Provided*, nevertheless that the property of said non-residents shall be taxed as other property is taxed in said town.

Fines—how re- coverable. SEC. 6. *Be it enacted*, That all fines and forfeitures imposed by the by-laws and ordinances of said corporation, shall be sued for and recovered as other monies are under the existing laws of this State by the Mayor and Aldermen of the corporation, for the use of said town, and that the Mayor shall have power to issue warrants and try all cases of a violation of the laws of said corporation, and impose all fines arising under the by-laws, issue executions for the collecting of the same, and that he shall keep in a well bound book a correct docket, the same as is now kept by a Justice of the Peace of all trials disposed of by him, subject however, to an appeal in cases wherein appeals are now granted under the existing laws of the State to the circuit court of the county, and that he shall have the same fees as is now allowed by law to Justices of the Peace.

Elections. SEC. 7. *Be it enacted*, That the sheriff of Humphreys county, shall by himself or deputy, open and hold an election on the first Saturday in January, 1850, in the town of Waverly, and the same day in each and every year thereafter forever, for the purpose of electing seven persons to serve as Aldermen for the corporation of said town for one year, commencing on Tuesday next after the election, all persons in town who would be qualified to vote for members of the General Assembly, shall be entitled to vote for Aldermen, and no person shall be eligible to an appointment for Alderman, except he be a freeholder and a citizen of said town.

SEC. 8. *Be it enacted*, That the seven persons qualified as aforesaid, having the highest number of votes at an election held as aforesaid, shall be taken to be duly elected, and the sheriff of said county of Humphreys,

shall within two days thereafter, give each of the seven Aldermen a certificate of his election, and it shall be the duty of the persons so elected to meet on the next Tuesday in said town, any number not less than five shall be a quorum, and they shall then proceed to elect by ballot one of their number to be Mayor of said corporation for the time which the Aldermen were elected as aforesaid, and when any Mayor of said corporation shall die, remove out of said town, or resign, another election shall be made by the Aldermen in the manner aforesaid, of any other person for the time then unexpired and until the next general election of Aldermen; and when any Aldermen shall die, remove or resign, such vacancy may be filled by the Mayor and Aldermen of said town at any regular meeting, and the person or persons so appointed shall serve until the next election.

SEC. 9. *Be it enacted,* That the Recorder, Treasurer ^{Officers.} and Constable, appointed by said corporation, shall continue in office during the term of service of the Mayor and Aldermen by whom they are appointed, but may be removed from office by a majority of the Mayor and Aldermen at any regular meeting, and they shall, on entering on the duties of their respective offices, give such bond and security as may be required of them, to the Mayor of the corporation for the faithful discharge of their duties of their appointments, and accounting for all monies by them collected and received for the use of the corporation, and their compensation shall be regulated by the Mayor and Aldermen.

SEC. 10. *Be it enacted,* That the Mayor and Aldermen of said town, shall before entering on the duties of their office, take an oath before some Justice of the Peace of said county, to faithfully, uprightly and honestly demean themselves as Mayor and Aldermen of said corporation, during their continuance in office.

SEC. 11. *Be it enacted,* That when any tax or duty ^{Tax sales.} shall be imposed upon any property lying within the bounds of said corporation, and shall not be paid by the owner or occupier of the same, and there should not be any personal property of the owner or occupier of the same, within the limits of said corporation, upon which the same could be levied, then it shall be the duty of the recorder to certify the same to the circuit court of Humphreys county, at the term to which the Sheriff of said county is required to report land in his county on which the State and county taxes have not been paid, and upon said report at said term, it shall be the duty of the circuit court to en-

ter up judgment for the tax due said corporation in the same manner judgments are required to be entered for the non-payment of the tax due the county and State, upon lands lying in said county, and the same shall be sold at the same time and in the same manner, and be subject to the same rights, regulations and restrictions, that are by law required for the sale of lands lying within said county, on which the State and county tax is not paid, which tax when collected by the Sheriff, as provided for in this section, shall be paid by him into the hands of the town treasurer for the use of said corporation, which shall when made in manner aforesaid, vest the same rights and title in the purchaser as if the sale had been made for taxes due the State.

Fees.

SEC. 12. *Be it enacted*, That the Constable of said town, shall have the same fees as are allowed by-law to other Constables of the State for similar services, and said Constable, before he enters upon the discharge of his duties, shall take the oath prescribed by law for other Constables of this State. It shall be the duty of the town Constable to execute all warrants and other processes growing out of the corporation laws from Justices of the Peace or Mayor of said corporation.

SEC. 13. *Be it enacted*, That when real estate in said town may be levied on for any corporation dues, the same proceedings shall be had thereon, as is provided by law in other cases of precepts issued by Justices of the Peace.

SEC. 14. *Be it enacted*, That this act shall take effect and be in force from and after the passage thereof, and all laws heretofore passed contrary to the true intent and meaning of this act, be and the same are hereby repealed.

Mayor of Raleigh
to have power
of Justice of
the Peace.

SEC. 15. *Be it enacted*, That the charter incorporating the town of Raleigh, in Shelby county, be and the same is hereby so amended as to confer on the Mayor of said town all the powers of a Justice of the Peace within the limits of said corporation, so far as may be necessary to enforce the ordinances of said corporation, and so far as to empower said Mayor to take depositions, to administer oaths to affidavits, bills, answers and such other instruments of writing as by law may be verified by oath before Justices of the Peace, and to examine and commit runaway slaves.

Sevierville.

SEC. 16. *Be it enacted*, That the limits of the town of Sevierville, is hereby enlarged as follows: commencing at the south-east corner of the Nancy Academy lots, thence east with the south line of John Shield, P. H. Tumy and S. P. Hamer's lots, to the north-east corner

of the same, thence north with the lane between S. P. Hamer and J. P. and Wm. Catlet to a Sycamore tree just below the mouth of Middle Creek, thence down Little Pigeon to the north-east corner of the lot belonging to the Baptist Church, and that portion hereby included is hereby declared to be a part of the town of Sevierville, and subject to the same municipal laws as other portions of said town, and the citizens of said new portion shall be entitled to all the rights of other citizens of said town of Sevierville.

SEC. 17. *Be it further enacted*, That the citizens of the town of Sevierville, may become incorporated under the provisions of an act passed at the present session of this General Assembly, entitled an act to authorize the citizens of any town or village in this State, to incorporate themselves by electing five Aldermen, instead of seven, as provided by said act, and said Mayor and Aldermen shall exercise all the rights and privileges under said act, in as full and ample manner as if seven Aldermen had been elected.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 30, 1850.

CHAPTER CCXLIV.

An Act to incorporate the Shelbyville and Flat Creek Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Dean, Kindred Pearson, W. W. Caldwell, Alfred Campbell, D. D. Hix, James Wortham and H. L. Davidson, be constituted a board, for the purposes and with the powers hereinafter named. Commissioners.

SEC. 2. It shall be the duty of said commissioners or a majority of them, within six months after the passage of this act, to open books at such places as they may elect, for stock in a McAdamized turnpike road from Shelbyville, Bedford county, to the Lincoln county line, commencing at the end of the street near the residence of Thomas C. Whiteside, thence over the Skull Camp Ford bridge; thence to W. W. Caldwell's store; thence to the Lincoln county line, either with the line of the

present Lynchburg road, or up Flat creek, as a majority of said stockholders may decide by vote, representing their stock as hereinafter named.

Incorporation.

SEC. 3. The subscribers of said stock shall constitute a company, which is hereby declared a body politic and corporate, under the name and style of the Shelbyville and Flat creek turnpike company, and in that name, may sue and be sued, plead and be impleaded, have and use a common seal, possess and enjoy personal, mixed and real estate, and dispose of the same, for the benefit of said company.

Elections.

SEC. 4. That said commissioners shall elect one of their number President of the board, and that the affairs of said board shall be managed by said commissioners until the sum of six thousand dollars is subscribed, when the president shall give ten days notice of the time and place of holding an election for six directors, at which time and place said directors shall be elected, who shall hold their offices for the term of one year, or until their successors are elected by the stockholders; the directors to be elected from among the stockholders, and said directors shall elect a Secretary and Treasurer for said company, and in all elections said stockholders may, if desired by them, represent their stock by proxy duly executed.

Capital stock.

SEC. 5. The capital of said company shall be fifteen thousand dollars, and may, if necessary, be increased to twenty thousand dollars, that each share shall be twenty-five dollars, and in the election of directors, each share shall represent one vote.

SEC. 6. That the commissioners, and after the organization of said company as hereinafter mentioned, the President and Directors thereof, may receive subscriptions for stock in said company to be paid in work, upon such terms as may be agreed upon by said directors.

SEC. 7. That the stock in said company may be sold or transferred from one stockholder to another, in such manner as the directors may prescribe.

Gates.

SEC. 8. That said president and directors may erect toll gates on said road for every five miles of said road which may be completed; *Provided*, they shall not erect a gate within less than one mile of the line of said road of the court house of the town of Shelbyville.

Tolls.

SEC. 9. That the rates of toll to be charged, and the rights and privileges of said company touching the regulation and control thereof, shall be the same as those of the Nashville, Murfreesborough and Shelbyville turnpike road company.

Sec. 10. That said road shall be constructed on the ^{Style of road.} same plan of the Nashville, Murfreesborough and Shelbyville turnpike company; *Provided*, that in making the cuts and fills in said road, they shall only be required so as to form a plane not more than four degrees of an inclination from the horizon.

Sec. 11. That if said road is neither commenced nor finished, within five years after the passage of this act, the charter hereby granted shall be forfeited.

Sec. 12. It shall be the duty of said president and ^{Damages.} directors in locating said road, to follow as near as practicable the line of the present road from Shelbyville by the Skull Camp Ford bridge, and W. W. Caldwell's store to the Lincoln county line; and if in marking off said road and locating and building the same, any person over whose land it may run, shall deem him or herself injured or damaged by the same, and shall bring suit for the same, it shall and may be lawful for the tribunal before which said suit may be tried, to take into consideration in estimating the damages sustained, whatever increased value may be given to the lands over which said road may run in consequence of building the same.

Sec. 13. It shall be the duty of said company to keep said road and bridge in repair under the penalty of a deprivation of their tolls so long as the same may remain out of repair.

Sec. 14. Said company shall have power to make any contracts with the county court of Bedford county, in relation to the bridge over Duck river at the Skull Camp Ford road, that may be agreed upon by the parties.

Sec. 15. Said president and directors of said company, shall have power to pass necessary by-laws for the proper management of said road, and also in regard to all calls to be made upon the stockholders for the payment of stock.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 2, 1850.

CHAPTER CCXLV.

An Act to amend the charter of the Memphis and Sommerville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of an act passed on the 28th day of January 1846, chapter 114, entitled "an act to incorporate the Memphis and Sommerville turnpike company," be and the same is hereby so amended as to read as follows, viz: That said company, when formed, shall have all the powers and privileges and be subject to the same rules and regulations contained in and defined by an act passed on the 31st day of December 1829, chap. 205, entitled "an act to incorporate a company called the Franklin turnpike company and for other purposes," all of which said act except as herein provided, shall be deemed and taken as a part of this act, substituting the words Memphis for Nashville, and Sommerville for Franklin, and the words Circuit Court for County Court, and the word Shelby for Davidson, and Fayette for Williamson, wherever the same occurs in said act, and except the first, fourth and twelfth sections of said act, which shall form no part of this charter.

General powers.

SEC. 2. That the directors of said company shall consist of seven Stockholders, and shall have power to make and ordain such by-laws and ordinances, not inconsistent with the laws of this State, as may be necessary for the government of said company, its officers and agents; power to call dividends of stock, at such times and places and in such amounts as they may think proper. To open books and receive subscriptions for such amount of capital as may not have been already subscribed. To make contracts for the prosecution of the work and to exercise all incidental powers necessary to carry out the object of their association. That said road may be made of gravel, stone, charcoal or plank.

SEC. 3. That said charter shall not be so construed as to make it imperative on said company to construct the road entirely from Memphis to Sommerville, but said company shall have all the rights and privileges of said charter on constructing the same from Memphis to the county line of Fayette and Shelby counties, and may in their discretion, continue the same to Sommerville and Bolivar; *Provided*, That if they do not commence the work East of Shelby county line, within two years from the passage of this act, and follow it up by

a prosecution thereof in good faith to Sommerville, then and in that case said company shall forfeit all exclusive right to construct the same from Shelby county line to Sommerville, and the Legislature shall have the right to grant the privilege to others; *and provided farther*, If they do not commence the work east of Sommerville three years from the passage of this act, and follow it up by a prosecution thereof in good faith, then and in that case said company shall forfeit all exclusive right to construct the same from Sommerville to Bolivar, and the Legislature may grant such privilege to others.

SEC. 4. *Be it further enacted*, That the Shelbyville and Fayetteville turnpike company, shall have the further time of three years from and after the 4th day of February 1850, within which to complete said road.

Shelbyville and
Fayetteville
turnpike Co.

SEC. 5. *Be it further enacted*, That said company in crossing the ridge between the waters of Elk and Duck rivers, shall not be required to construct the road below a grade of five degrees.

SEC. 6. That the charter of the Memphis and Germantown turnpike company, and of the Memphis and Hernando turnpike company, be and the same are hereby so amended as to confer on each of said companies, the right to construct their said roads of gravel, charcoal or plank, and so as to confer on each of said companies, all the rights and privileges, by this act conferred on the Memphis and Sommerville turnpike company, and if either of the roads mentioned in this bill, shall be constructed of plank, the same shall be covered at least eight feet wide.

Memphis & Ger-
mantown, and
Memphis &
Hernando turn-
pike compa-
nies.

SEC. 7. *Be it enacted*, That the Nolensville turnpike company is hereby authorized to use such a portion of its tolls as may be sufficient, to construct and build such a distance in the Farmington and Fayetteville road, which added to the two miles and 66 poles now completed, as will authorize said Nolensville turnpike company to erect an additional gate, as provided for in the amended act, chap. 88, section 2d, passed January 24th 1838; *Provided*, The Directors on the part of the State, unanimously agree thereto.

Nolensville Turn-
pike company.

SEC. 8. *Be it enacted*, That the President and directors in said Nolensville turnpike company be and they are hereby authorized to make such arrangement and agreement with the President and directors of said Farmington and Fayetteville turnpike company, in regard to the value of so much of said Nolensville turnpike as is built, and will enure to the benefit of said Farmington and Fayetteville road—either by having

an allowance of stock in said company, or requiring of said company to keep in good repair so much of said road as may enure to their benefit, as may seem just and equitable.

Farmington and Fayetteville Turnpike co.
act *Sec. 9. Be it enacted,* That the third section of the act chartering the Farmington and Fayetteville turnpike company, be so amended as to authorize the Commissioners of said turnpike road, or those appointed under them, if they may think proper, to change the width of the metalling of the road from twenty to eighteen feet, and the width of the bed of the road from thirty to twenty-five feet, and constructing a summer road on one side of the metalling, should it be deemed advisable.

Sec. 10. Be it enacted, That said Commissioners shall have power to receive subscriptions for stock, either in cash or labor in the construction of said road, as is prescribed in the 4th section of an act chartering the Lewisburg turnpike company in 1845.

LANDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed January 26, 1850.

CHAPTER CCXLVI.

An Act for the relief of Philip Bible.

Whereas: In the year 1838, Philip Bible became security of William Jones, Sheriff of Marion county, for the true and faithful discharge of his duties as such, in executing and returning all process to him directed and without executing any further or other bond, said William Jones proceeded to collect the State and county revenue of said county, for the years 1838 and 1839, which he failed to pay over; *and whereas,* said Philip Bible believing himself to be liable as security, as aforesaid, for said William Jones' default, in not paying over the State and county revenue, agreed to pay to the State of Tennessee, the sum of six hundred and seventy-six dollars and forty-eight cents, in four annual instalments of one hundred and sixty-nine dollars and twelve cents each. *And whereas, also* said Philip Bible was not legally bound to pay said money or any part

of it, but has in fact paid two of said notes, amounting to three hundred and thirty-eight dollars and twenty-four cents, the other two remaining unpaid. Therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury be directed to audit and the Treasurer be directed to pay to said Philip Bible, the sum of three hundred and thirty-eight dollars and twenty-four cents, and that the Attorney General is hereby authorized and required to hand over the two remaining notes to said Philip Bible.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 21, 1850.

CHAPTER CCXLVII.

An Act to amend an act entitled "an act for the punishment of small offences."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any person may plead guilty before a Justice of the peace, under the provisions of an act passed 10th January 1848, chapter 55, if the charge shall be for a misdemeanor, in the commission of a violence to the person of another, the person or persons upon whom the violence may have been committed, shall be notified by the officer executing the warrant, of the time and place of trial, that he, she or they may be heard as a witness or witnesses, and where the person or persons upon whom the violence may have been committed, shall not have been notified as aforesaid, the justice of the peace shall continue said cause from day to day, until the person upon whom the violence may have been committed, is duly notified of the time and place of said trial, the Justice of the peace shall proceed to recognize the defendant, to appear at the next term of the Circuit Court, and there answer the charge.

SEC. 2. That where any person may be imprisoned, under the provisions of the second section of said act, he or she may take the benefit of the insolvent debtors

law, by giving ten days notice to the Trustee of the county, wherein he or she may be imprisoned.

Delinquents.

SEC. 3. That each and every Justice of the peace, and Constable and Sheriff shall, on or before the thirty-first day of December in every year, pay over to the county Trustee, of his or their county, all monies received by them, during the year preceding the day aforesaid, and upon failure thereof, the Trustee shall notify the District Attorney General of such failure, who shall move for judgment against such delinquent and his securities at the next term of the Circuit Court, and the Court shall render judgment, upon satisfactory proof of such delinquency, and for each judgment the Attorney General shall have a fee of five dollars, to be taxed in the bill of costs.

Justices to file transcript.

SEC. 4. That the Justices of the peace shall file with the Trustee of his county, a transcript of his docket, showing the cases tried and determined before him, and the amount due thereon to the county, on the said thirty-first day of December, in each and every year, *Provided*, That nothing in this act shall be so construed as to give the right of trial to illegal voters under the provisions of this act.

Justices' fees.

SEC. 5. That Justices of the peace shall hereafter be allowed a fee of seventy-five cents for every judgment rendered by them under the small offence law, passed January 10th 1848, chapter 55, and also a fee of ten cents shall be allowed for each and every subpoena issued by them, under the above recited act, to be collected as other costs.

SEC. 6. That this act and the act passed the 31st December 1849, to give County Courts jurisdiction to partition estates, shall go into effect from and after the date of the passage of this act.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 2, 1850.

CHAPTER CXXLVIII.

An Act to incorporate the Chattanooga, Harrison and Cleaveland Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the* Incorporation.
State of Tennessee, That the formation of a company is hereby authorized for the purpose of constructing a Railroad from Chattanooga to intersect the East Tennessee and Georgia Railroad, at or near Cleaveland, and passing through Harrison or between said town and the Academy Hill, which company shall consist of the Stockholders, and when formed, shall be a body corporate, by the name and style of the Chattanooga, Harrison and Cleaveland Railroad company, and by such name shall have and enjoy, possess and exercise all the rights, powers, privileges and franchises, so far as the same are applicable, which the Nashville and Chattanooga Railroad company have by the terms of "an act passed 11th December 1845, entitled "an Act to incorporate the Nashville and Chattanooga Railroad company," and be subject to the same liabilities and restrictions therein imposed, *Provided*, That the prohibitions against granting a charter for any lateral or parallel road, shall not be applicable to this charter, and *Provided further*, That each share shall entitle the owner thereof to one vote.

SEC. 2. The capital stock of said company shall Capital stock.
 be five hundred thousand dollars, to be divided into shares of one hundred dollars each, and James A. White- Commissioners.
 side, Robert M. Hooke, John Cowart, Thomas McCallin, Reese B. Brabson, Benjamin R. Montgomery, Thomas Crutchfield, David N. Bell, A. G. W. Puckett, Richard Henderson, William Clift, George Lethrell, Daniel C. Kenner, P. J. R. Edwards, Samuel L. McCole and Samuel J. Gorie, be hereby appointed a board of Commissioners, who may at such times and places and upon such terms as they may think proper, dispose of or open books for the subscription of said stock, and who shall, as to this road in all respects, have the power and perform the duties prescribed for the board of Commissioners of the Nashville and Chattanooga Railroad company, by the 4th section of the act aforesaid, in relation to that road. And whenever the number of two hundred and fifty shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and the board of Commissioners may proceed to survey the route of the road, and make an estimate of the cost of its construc-

tion. And when two thousand shares shall have been subscribed, the board of Commissioners, shall appoint a time for the Stockholders to meet at Chattanooga, for the purpose of electing a President and six Directors, to manage the affairs of the company. The President shall be elected as the other directors are, by direct vote of the Stockholders.

Call. SEC. 3. The board of directors may call for the payment of the stock subscribed in sums not exceeding five dollars on the share, in every thirty days, and to enforce its payment, the same remedy is given, as in the act aforesaid.

Mississippi river Railroad company. SEC. 4. *Be it enacted*, By the authority aforesaid, that an act entitled "an act to incorporate the Mississippi river Railroad company," passed January 30th, 1846, be and the same is hereby revived.

Commissioners. SEC. 5. *Be it enacted*, That Richard P. Marr, William A. Chambers, Alfred Gardner, William Martin, William Glisson, John Sommers, sr. and Jas. S. Moffatt, be and they are hereby appointed Commissioners, in addition to the Commissioners appointed by said act, with like powers, and that said company have the further time of five years, from and after the passage of this act to commence said road.

SEC. 6. *Be it enacted*, That a copy of the proceedings of the board of directors, and the books of subscription and other books of an incorporated company, certified by the Secretary, under the seal of the company, shall be evidence in Court, in all cases where the Stockholders are concerned in suits either in law or equity, between any Stockholder and the company.

Stockholder may be a witness. SEC. 7. *Be it enacted*, That in all suits in favor of or against a corporation, by or against a Stockholder or Stockholders, that any Stockholder may be a competent witness.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Passed February 7, 1850.

CHAPTER CXXLIX.

An Act to revive and give further time to the McMinnville and Chattanooga Turnpike company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the McMinnville and Chattanooga Turnpike Company, be and the same is hereby revived, and that the Stockholders have the further time of two years to complete the road and put up gates.

SEC. 2. *Be it further enacted*, That the elevation of ^{Style of road.} the road, up the mountain, shall not exceed fifteen inches to every ten feet, and that said road, up the mountain, shall be at least sixteen feet wide where practicable, and in no place less than twelve feet, and that Jacob Woodlie and George Etter, of Warren county, and John Burnett, of Marion county, are hereby appointed Commissioners to examine and receive said road.

SEC. 3. *Be it enacted*, That upon the application of the President and directors of the Memphis and Charleston ^{Memphis and Charleston Rail-road.} Railroad company, it shall be the duty of the Governor to appoint three Commissioners, who are not Stockholders in any Railroad company, and own no real estate South of Hatchie river, and reside west of the Tennessee and north of the Hatchie river, to assess the value of the State's interest in the Lagrange and Memphis Railroad company and report the same to the Governor, who is hereby directed to convey the same to said first named company, with all rights and liens in favor of the State, in relation thereto, against the private Stockholders upon securing the payment of the said sum by bond, due at six months after date, secured by personal security to the satisfaction of the Governor. The said bond to be payable to the State of Tennessee.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 25, 1850.

CHAPTER CCL.

An Act requiring the Commissioners of Hatchee River, to make equal distribution.

Be it enacted by the General Assembly of the State of Tennessee, That the Commissioners of Hardeman county, superintending the Improvements of Hatchee River, shall apply the funds in their hands for improving said river, as well above Bolivar as below—that is to say, such portion thereof between Bolivar and the head of navigation, as is compatible with the length and importance of that division, compared with the one below, and between Bolivar and Bradford's Landing.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Feb. 5, 1850.

CHAPTER CCLI.

An Act to amend the Act to incorporate the Town of Richmond, in Bedford county, passed February 5, 1848.

Be it enacted by the General Assembly of the State of Tennessee, That so much of said Act of incorporation, as requires the election of twelve Aldermen be repealed, and that the constable of the 19th civil district in Bedford county, on the second Monday in March, in every year, shall open and hold an election in said town of Richmond, for five Aldermen for said town, and who shall give to each alderman elected, a certificate thereof, who shall meet on the next Saturday thereafter, and organize, by electing a Mayor and other officers required and authorized to be elected by said aldermen. Said aldermen and mayor, and officers by them elected, shall continue in office for twelve months, and until their successors are elected and qualified.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Oct. 24, 1849.

CHAPTER CCLII.

An Act to incorporate the Columbia and Fountain Creek Turnpike Company, and for other purposes:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alfred Smizer, John Smizer, ^{Commissioners;} P. C. Patton, Hugh Bradshaw, G. W. Gordon, Giles T. Harris, C. C. Martin, Thomas Galloway, John T. Holland, M. B. Whitaker, Michael Lancaster, William Steele, and Benond Grishaws, or any five of them be, and they are hereby appointed Commissioners to open books to receive subscriptions for stock, for the purpose of building a McAdamized Turnpike Road, from Columbia, in Maury county, to P. C. Patton's Mill, on Fountain Creek, at such times and places as they may think best, either in cash subscriptions or in work, and all the above named persons, or so many of them as shall unite in making said road, or any other person or persons not named, who shall aid in its construction, or any five of them, shall be commissioners to locate said road, and shall be and are hereby constituted ^{Incorporation.} a body politic and corporate, by the name and style of the Columbia and Fountain Creek Turnpike Company; and by that name may sue and be sued, plead and be impleaded, have a common seal and succession for ninety-nine years.

SEC. 2. That the capital stock of said company shall ^{Capital stock.} not exceed fifteen thousand dollars, and may be any sum less, necessary to complete said road, to be divided into shares of fifty dollars each, and when the sum of five thousand dollars is subscribed, either in cash or work to be done on said road, a meeting of the stockholders shall be held at such time and place as a majority shall designate, all being notified, and when assembled they may proceed to elect Directors, pass by-laws and fully organize and put under contract the building of the road.

SEC. 3. That the road shall be finished in all re- ^{Style of road.?} spects, in the same manner as provided for in the Columbia, Mooresville, Lewisburg, and Cornersville Turnpike company, and shall possess, and enjoy all the privileges granted to said road, and be subject to all the restrictions provided for in said charter, not conflicting with the provisions granted in this charter.

SEC. 4. That so soon as the road is completed from ^{Gates and tolls.} Columbia to Patton's Mill, they may erect two gates, one within two miles of Columbia, the other at or near the bridge across Fountain Creek, below Patton's Mill,

and shall receive the same tolls as provided for in the first division of said Columbia, Mooresville, Lewisburg, and Cornersville Turnpike company, exempting from toll the same descriptions of persons as provided for in said charter.

Smizer's road.

SEC. 5. That Alfred Smizer, and John Smizer, and such other persons as may be associated with them, be and they are hereby authorized to build an arm from the bridge across Duck River at Smizer's Mill, to intersect the Columbia and Fountain Creek road, at any point they may think proper, to be finished in all respects as provided for in said charter, enjoying all the rights therein granted, and subject to all the restrictions therein named, not conflicting with the provisions of this charter; and so soon as said arm is completed, they may erect a gate and receive the same rate of tolls for six months in each and every year.

SEC. 6. That either road may be extended in the same direction, beyond the points named in their charters, and for every additional five miles added to either road, an additional gate may be erected.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 9, 1850.

CHAPTER CCLIII.

An Act to incorporate the Hiwassee Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas H. Calloway, Duff Green, M. B. Prichard and R. C. Morris, or any two of them may, at such times and places as they may deem expedient, open books of subscription, and that the owners of the shares herein authorized to be created, shall be, and are hereby made a body corporate in law and in fact, under the name and style of the Hiwassee Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment, in any court or elsewhere, and may have a common seal, and alter the same at pleasure, and may elect in such manner as they shall determine, all necessary of-

ficers and fix their compensation, and may ordain and establish by-laws for the government and regulation of their affairs, and repeal and alter the same, with power and authority to erect and establish and carry on manufacturing of Iron and Steel and other articles, and to acquire and hold such estate, real, personal and mixed, as may be necessary or useful for the purposes of the said company, and also such other lands or property as shall be taken in payment of or as security for debts due to said corporation, and to use and manage and lease, let, sell, transfer and convey, or otherwise dispose of the same at pleasure; and further, to possess, exercise and enjoy such other powers, privileges and immunities, as are necessary and proper to them as an incorporated Company.

SEC. 2. The capital stock of said company shall consist of one thousand shares of one hundred dollars each, which may be increased from time to time, as the directors may deem expedient, to an amount not exceeding five thousand shares, over and beyond the value of their real estate, roads, and improvements, and when the sum of fifty thousand dollars shall have been subscribed, and five per cent thereof paid in, the subscribers may proceed to organize the said company by the election of not less than three nor more than five directors, each share having one vote, who shall choose one of their number to be President, and the directors may make by-laws and regulations and manage and conduct the affairs of the company. Capital stock.

SEC. 3. The stock of the company shall be deemed personal property, and be transferable on the books of the company, in such form as the directors may prescribe, and the said company shall, at all times, have a lien upon all the stock of each shareholder, and upon all other property, invested in the company, for the payment of all debts due to the company by such shareholder.

SEC. 4. If the capital stock of the said company, shall be withdrawn and refunded to the Stockholders, before payment of all the debts of the company, for which such stock would have been liable, the Stockholders shall be liable to such creditor or on an action founded on this statute, to the amount of the sum refunded to them as aforesaid; *Provided always*, That if such Stockholder shall be compelled by any such action, to pay the debts due to any creditor or any part, he shall have the right by bill in equity to call upon all the Stockholders, to whom any part of said stock has been refunded, to contribute their proportionate part of the sum paid by Contingent liability of Directors.

him as aforesaid, and if the directors of said company shall declare and pay a dividend, when the company is insolvent, knowing the company to be insolvent, or shall declare and pay any dividend, the payment of which would render it so, the directors assenting thereto, shall be jointly and severally liable in an action founded on this act, for all the debts due from the company at the time of declaring such dividend, and each director present at the time of declaring such dividend, shall be held as assenting thereto, unless he shall enter his protest on record in the books of the company.

Sec. 5. The General Assembly may at any time for just cause, rescind the powers herein granted, and prescribe such mode as may be necessary or expedient for the settlement of the affairs of the company.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 6, 1850.

CHAPTER CCLIV.

An Act to incorporate the Waynesboro and Savannah Turnpike Company and for other purposes.

INCORPORATION. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the subscribers for the stock hereinafter mentioned, shall be and they are hereby constituted a body politic and corporate, by the name and style of the Waynesboro and Savannah Turnpike Company, and by that name they may sue and be sued, plead and be impleaded, and shall have a common seal and succession for ninety-nine years.

COMMISSIONERS. SEC. 2. *Be it enacted,* That Jonathan Morris, A. G. McDougal, A. Montague, Martin Cook, John L. Bryles, James L. Smith, A. M. Hardin, George F. Benton, T. C. Johnson, or any five of them, be and they are hereby appointed Commissioners to open books to receive subscriptions for Stock in said Company, at such times and places as they may think best, after giving due notice of the same.

CAPITAL STOCK. SEC. 3. *Be it enacted,* That the capital stock of said Company, shall be fifty thousand dollars, which sum shall be divided into shares of fifty dollars each, to be

applied to making a McAdamised or gravelled road as hereinafter stated, from the town of Waynesboro, in the county of Wayne, to the town of Savannah, in the county of Hardin, beginning at or near Waynesboro, and running in the direction of the main road, now running from Waynesboro to Savannah.

SEC. 4. *Be it enacted*, That Jonathan Morris, A. G. McDougal, A. Montague, Martin Cook, James L. Bryles, James L. Smith, A. M. Hardin, George F. Benton and T. C. Johnson, or any five of them, shall be Commissioners to locate said road, pursuing the direction of the said main road, as mentioned in the 3d section of this act.

SEC. 5. *Be it enacted*, That when ten thousand dollars shall be subscribed, a meeting of the subscribers shall be held in the town of Savannah, of which meeting due notice shall be given the subscribers, and when assembled, they may proceed to elect directors, pass by-laws, and fully organize said turnpike company. Organization.

SEC. 6. *Be it further enacted*, That the said road shall be graded at least eighteen feet wide, with sufficient ditches on each side to carry off the water and drain the same, and shall gradually descend from the centre to said ditches, and shall be substantially paved with gravel or broken stone, at least fifteen feet wide, when necessary, and shall have substantial bridges when necessary, and in all respects be completed in a substantial turnpike road like manner, with a grade not to exceed five degrees. Style of road.

SEC. 7. *Be it further enacted*, That said Company shall have two years from the passage of this act, to commence said road, and they shall have two years thereafter within which to complete the first ten miles from Waynesboro, and the first five miles of Savannah of said road, and six years thereafter within which to complete the whole of said road, with the privilege of putting up one gate at each [end] of said road, neither of which gates shall be nearer than one mile from said towns of Waynesboro and Savannah respectively, and the privilege of putting up two other gates, when the remainder of said road is finished, at which gates such toll may be charged, and received as is now provided by law for toll on the Columbia Central turnpike road. Gates and tolls.

SEC. 8. *Be it enacted*, That the stock in said company may be transferred in such a manner as is provided by law in regard to the stock of other turnpike companies, and the first election for directors shall be held as provided in the 5th section of this act, and ever thereafter on the first Monday in January, in each and

Damages.

every year, and in all other respects said company shall have the same power, modes of procedure, and be subject to the same rules and restrictions in regard to the Stockholders failing to pay damages to persons whose lands said road may run on, and in all respects and in regard to other matters as provided in regard to the Columbia Central turnpike company.

SEC. 9. *Be it further enacted*, That it shall be lawful for said corporation to have, hold and purchase all such real estate as may be necessary for toll gates and for other purposes contemplated in this act, and to enter upon and possess the same.

SEC. 10. *Be it enacted*, That said company shall have all the rights, benefits and privileges that are by-law conferred upon the Columbia Central turnpike company.

Charter, when forfeited.

SEC. 11. *Be it enacted*, That if said company shall fail or refuse to comply with the provisions of this act, in completing said road, and keeping the same in good repair for the whole term of ninety-nine years, then and in that case their charter shall be forfeited.

SEC. 12. *Be it further enacted*, That the said Waynesboro and Savannah turnpike company, when fully organized, shall have the benefit of the old road now running from Waynesboro to Savannah.

Exemptions.

SEC. 13. *Be it enacted*, That the Commissioners shall have a discretionary power to grade said road to any width they may choose, between eighteen and twenty-four feet; and all the neighborhood, travelling for neighborhood purposes, shall be exempt from paying toll.

Newark turnpike road.

SEC. 14. *Be it enacted*, That so much of the second section of an act passed 4th February 1848, amendatory of an act to charter the Newark turnpike road, as would authorize the gate keeper on said road, to charge and receive toll from the citizens of the counties of Sevier, Jefferson and Cocke in going to or returning from mill, black smith shops or any other ordinary neighborhood business, be and the same is hereby repealed.

Western Central turnpike.

SEC. 15. *Be it enacted*, That if the Western Central turnpike road, chartered by this General Assembly, shall not be located so as to run from Perryville through Decaturville, that the act chartering a road to intersect said Western Central Turnpike, passed by this Legislature, be and is hereby amended so as to permit the board of directors to intersect the Western Central Turnpike, at any point between Decaturville and Lexington.

Broad Street Bridge company.

SEC. 16. *Be it enacted*, That the 4th section of the act of the 17th December 1845, chartering the Broad Street Bridge Company, be so amended as to give to

the said Broad Street Bridge Company of Nashville, power to elect a President and six Directors, instead of a President and twelve Directors, as heretofore.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 19, 1850.

CHAPTER CCLV.

An Act to incorporate West Tennessee Baptist Convention, for literary and benevolent purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of promoting benevolence and education, ^{Incorporation.} Champ C. Connor, James M. Hurt, James C Jones, E. V. Covey, John Harbert, P. S. Gayle, Phillip Waddell, John H. High, William F. Still, John Bateman, H. O. Whitelaw, G. Wright, J. P. Edwards, Peyton Smith, E. Collins, G. W. Young, A. J. Spivey, William L. Slack, Thomas Joyner, Henderson Owen, G. W. Day, or such of them, as shall, within six months from the passage of this act, accept of this trust, and their successors, shall be and are hereby constituted a body corporate and politic, to be known in law, by the name of the West Tennessee Baptist Convention.

SEC. 2. *Be it enacted*, That the said Trustees and their successors, to be chosen as herein prescribed, shall be known by the name of the Trustees of West Tennessee Baptist Convention, and shall be capable in law, to sue and be sued, to plead and be impleaded, to answer and be answered unto, in all the courts of law and equity in this State.

SEC. 3. *Be it enacted*, That said corporation shall ^{Power.} have full power and authority to purchase, acquire, receive and hold property, real, personal and mixed, all of which they may stand and be seized of, notwithstanding any misnomer of the Convention or corporation thereof, and by whatever name or however imperfectly the same shall be described; *Provided*, the true intent of the assignor or benefactor be evident; also the same to grant, demise, alien, lease, use, manage and improve according to the tenor of the donation, and to

the purposes, trusts and uses to which they shall be seized thereof; *Provided, always*, that said Trustees respect the design of the assignor or benefactor and the constitution of said Convention; and also full power and authority are hereby granted unto the said corporation to employ the funds entrusted to them in education and in such other benevolent acts as are binding on christians. All to be done in accordance with the foregoing restrictions.

SEC. 4. *Be it further enacted*, That full power and authority are hereby granted unto said corporation to found a College in West Tennessee, at such place as to them in their discretion may seem best, which College is to be founded for the promotion of the liberal arts and sciences, and universal literature, with the moneys, estates and revenues of which they shall from time to time, become legally seized and possessed as aforesaid, to endow the same and erect the necessary buildings, on such plans as they may think convenient, and generally to regulate, order and govern the same, appoint officers, and make by-laws, as hereinafter prescribed, and hold, use and enjoy all the liberties, privileges, exemptions, dignities and immunities enjoyed by any College or University in this State; which College is to be known in law, by the name of the Carroll College, the trustees, at any time hereafter, giving such more particular name to the College, in honor of the most distinguished and liberal benefactor, or otherwise, as they may think proper; which name so given, shall in all acts, instruments and doings of said body politic, be superadded to their corporate name aforesaid, and become part of their legal appellation, by which it shall be forever known and distinguished.

Carroll College..

SEC. 5. *Be it enacted*, That said Trustees and their successors, shall and may have a common seal, which shall always be deposited with the president of the faculty or chairman of the board of trustees, who shall be elected as hereafter prescribed.

SEC. 6. *Be it enacted*, That the managers of said College shall consist of the board of Trustees, and the President of the faculty. The number of the Trustees shall and may be twenty-one, one third of whom shall go out of office every two years, but may be eligible to a re-election in the manner hereafter prescribed.

SEC. 7. *Be it enacted*, That the power to transact all the business connected with said College, to pass all necessary by-laws, to carry the object and intent of this act into effect, not inconsistent with the constitution of the State of Tennessee or the United States, be and the

same is hereby vested in the board of trustees, except in adjudging and conferring academical degrees, the instruction and immediate government of the College; which shall ever belong exclusively to the president and faculty of said College.

SEC. 8. *Be it enacted*, That the vacancies which may ^{Vacancies.} occur by limitation, death or resignation, removal or otherwise, in the board of trustees, shall be filled by an election of their own body at any regular meeting.

SEC. 9. *Be it enacted*, That on the first day of January, 1850, or as soon thereafter as may be practicable, ^{Meetings.} there shall be a general meeting of said trustees at Denmark, in Madison county, and there shall be a regular meeting of said trustees, annually, at the time and place of the commencement of said College to be hereafter appointed by the board of trustees. The chairman of said board of trustees, or such presiding officer as they may appoint, shall, on special emergencies, have power to call a meeting of said corporation, by giving thirty days notice; and in all meetings a major ^{Quorum.} vote of those present shall be deemed a majority vote as aforesaid; *Provided*, that not less than seven trustees shall be a quorum for transacting business.

SEC. 10. *Be it enacted*, That the trustees at any of their meetings regularly convened, as aforesaid, shall and may elect the president, professors and tutors, and all such other officers as are usually appointed in Colleges and Universities.

SEC. 11. The president of the College, when elected by the board of trustees as herein directed, shall be and is hereby declared *ex officio*, a member of said board of trustees.

SEC. 12. The president and faculty of said College ^{Degrees.} shall have privilege and power to confer the usual degrees conferred by any of the Colleges or Universities of this State, and to grant under their corporate seal, diplomas or certificates of such degrees, to be signed by the president and witnessed by all the professors of said College.

SEC. 13. *Be it enacted*, That at their first meeting, as herein prescribed, the trustees shall appoint by ballot a chairman from their own body, who shall hold his office for the space of two years, the first chairman shall go out of office at the second annual meeting of the board, the vacancy of chairman, either by death, removal or otherwise, shall be filled at the next meeting after the occurrence, from their own body.

SEC. 14. *Be it enacted*, That the board of trustees shall at their first meeting herein provided, appoint by

ballot a secretary, whose term of office shall expire with that of the chairman, and whose vacancy shall be supplied in the same way as the chairman.

SEC. 15. *Be it enacted*, That in the event of the death, removal or resignation of the chairman of the board of trustees, it shall be the duty of the secretary to call a meeting of the board, by giving thirty days notice, for the purpose of filling such vacancy and transacting any other business.

SEC. 16. *Be it enacted*, That whether the trustees shall or shall not be able to endow said College, they, nevertheless, shall be a body corporate to appropriate all moneys, estates and revenues entrusted to them as provided for in the third section of this act; and that their meetings be governed, their officers elected, their vacancies filled and public seal subject to the regulations as herein already provided.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 23, 1850.

CHAPTER CCLVI.

An Act to authorize the laying out of a Public Road from the Town of Athens, in the county of McMinn, to Telico Plains, in the county of Monroe.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John B. Tipton, John Scruggs, Wm. M. Stokely, James A. Coffin, James Ghormly, and Newton J. Spillman, of the county of Monroe, and John McGaughey, James C. Carlock, John L. Bridges, James H. Reagan, Elijah Oates, and Sam'l. M. Johnston, of the county of McMinn, a majority of whom shall be competent to act, be appointed Commissioners to lay out, mark, and locate a road of the best class, from the town of Athens, in the county of McMinn, to such point in the Telico Plains, as they, in their report, shall designate.

It shall be the duty of the said commissioners, to report to their respective county courts:

1st. Whether a public road of the best class is necessary;

2d. The different points by which said road shall pass;

3d. The damages which each individual will sustain by the making the said road through his land, if required so to do, by any person claiming damages;

4th. To take from all persons through whose land said road may be viewed, a relinquishment for any damages that they may have a right to claim in consequence of said road passing through their land: *Provided*, that the said road is changed from its present location, or any part thereof; *And provided, moreover*, that said commissioners be required to report to their respective county courts, any other fact that they may deem necessary for the information of said court.

SEC. 2. *Be it further enacted*, That if said county courts of McMinn and Monroe, from the reports of the commissioners hereby appointed, shall be of opinion that the said road is necessary and proper, that they may order the same to be opened as a public road of the first class, to appoint overseers to superintend the opening of the same, to assign to said overseers the necessary hands for the purpose, and do all other necessary things for that purpose that they may be authorised to do by the existing laws, not coming in conflict with this act.

SEC. 3. *Be it further enacted*, That should any expense be incurred by the laying out, marking, and locating said road, said commissioners shall report the same to their respective county courts, stating for which purpose said expense is incurred, together with the county in which such expense was incurred and the said county courts may at their discretion allow the same. Expense.

SEC. 4. That as defects and irregularities may have happened in the proceedings of the different boards of commissioners, under the act incorporating the East Tennessee and Virginia Rail Road Company, as well in the time and manner of opening said books, as in other respects; yet, as it has been made appear from the certificate of the President and Secretary of the board of commissioners of said East Tennessee and Virginia railroad company, that the whole sum of six hundred and twenty-five thousand dollars, required to be subscribed, has been subscribed, it is hereby declared to be a full compliance with the requirements of the charter, and a confirmation of the acts of said company in the execution thereof. *Provided*, that it shall be the duty of the President and Di- East Tennessee and Virginia Railroad company.

rectors of the East Tennessee and Virginia railroad company, to locate the road on the best route within the limits of the charter of said company: *Provided further*, that the best route shall be decided by the Engineer or Engineers on the following grounds, viz:—The cheapest, shortest, and most practicable route compatible with the interest of the people and the profits of the road; the said Engineer or Engineers to act under oath.

Harris & Vaughn's
Turnpike.

SEC. 5. *And be it further enacted*, That Austin Fry, of the county of Monroe, be and he is hereby appointed a commissioner of the turnpike road in the said county of Monroe, and known as Harris and Vaughn's Turnpike, in the room of William Hail, dec'd.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 8, 1850.

CHAPTER CCLVII.

An Act to incorporate the St. Louis and New Orleans Telegraph Company.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Professor Samuel F. B. Morse, of New York, Tal. P. Shaffner, Tho. C. McAfee, and William L. McAfee, of Louisville, James Campbell, James B. Husbards, and George Hulme, jr., of Paducah, Kentucky, Gen. E. Howard, and Bryce Stewart, of Clarksville, E. G. Eastman, and Jno. M. Bass, of Nashville, Tennessee, Ninian E. Gray, and Dr. F. G. Montgomery, of Hopkinsville, Kentucky, Asa Farr, and Joseph M. Field, of St. Louis, Missouri, and their associates who have acquired, or may acquire from said Morse the right to construct and carry on the Electro-Magnetic Telegraph, by him invented and patented, through this State, on the route leading from St. Louis, Missouri, through Paducah and Hopkinsville, Kentucky, and Clarksville, to Nashville, Tennessee, there forming a connection with the great line of Morse's Telegraph to New Orleans, are hereby created a corporation and body politic, for the purpose of erecting and maintaining a line of said Telegraph on the route aforesaid, and transmitting intelligence by means

thereof, under the name and style of the St. Louis and New Orleans Telegraph Company.

SEC. 2. The stock of said company shall consist of ^{Stock.} shares of fifty or one hundred dollars, as the said company at the time of its organization may elect, to be issued to the original owners of the patent right, their assigns and to those who have heretofore, or may hereafter furnish funds for the construction and improvement of said line of Telegraph, as the owners and subscribers have heretofore or may hereafter agree upon.

SEC. 3. The corporation aforesaid, or any one or more of them acting under the authority of a majority of said corporation, shall and are hereby empowered to take such steps as they may deem expedient, to procure subscriptions for the completion of said line of Telegraph, according to existing contracts, or such as may be hereafter made, to collect the money subscribed, and to disburse them for purposes of construction, and perform all other acts necessary to expedite the procurement and proper application of the funds aforesaid.

SEC. 4. The said corporation shall have power to ^{Side lines.} purchase or build any connecting or side lines, having acquired the right to do so from the owners of Morse's patent on said lines, and may enlarge their capital for that purpose.

SEC. 5. As soon as the line of Telegraph aforesaid, ^{Elections.} shall be completed and in operation from St. Louis, Missouri, to Nashville, Tennessee, the said corporators or the temporary trustees of the line aforesaid shall, by advertisement in such of the papers along the line aforesaid, as they may elect, call a meeting of the subscribers and owners of the patent right of Morse's Telegraph, or their attorneys constituting the corporate body hereby created, in the town of Paducah, Ky., at such time as they may deem expedient, for the purpose of choosing a President and board of Directors, a Secretary and Treasurer, for the management of the affairs of the company.

SEC. 6. Annual meetings of said corporation shall be ^{Meetings.} held at such times in the town of Paducah, as may be prescribed by the stockholders, at their first meeting and at any subsequent annual meeting; and special meetings shall be called by the President and Directors, whenever in their opinion, the interest of the company may require it, or when it may be demanded by persons holding one third of the stock. Such reasonable notice shall be given of the time of such meet-

ings as may be prescribed by the by-laws of the corporation. In case of death or resignation of any Director, a majority of the board shall have the power to elect another to fill his place.

SEC. 7. The President, Directors, Secretary, and Treasurer, shall hold their offices for one year, and until their successors shall be elected, and shall exercise such powers pertaining to the management of said Telegraph, not incompatible with the constitution and laws of the State, or of the United States, as may be authorized by the by-laws of said corporation.

Scale of voting. SEC. 8. At every election, each share of the stock shall entitle its holder to one vote; and absent stockholders may vote by agents or proxies, producing written authority. In case of tie, the election shall be decided by lot; *Provided*, all stockholders owning one thousand dollars of stock or under, shall be entitled to one vote for every share, whether of fifty or one hundred dollars, and the holder of each thousand dollars over one thousand shall be entitled to one vote, if the shares be one hundred dollars, or two votes, if the shares be fifty dollars; but no stockholders shall be allowed more than thirty votes if the shares be one hundred, and more than sixty votes, if they be fifty dollars.

Powers. SEC. 9. The Telegraph company hereby incorporated shall have power to sue and be sued, complain and defend in any court of law or equity having competent jurisdiction, to make and use a common seal, and the same to alter at pleasure; to purchase and hold such real and personal estate as the lawful purposes of the corporation may require, and the same to sell and convey when no longer required, to appoint such officers and agents as may be necessary to manage the business of the corporation, and to allow them such compensation as the said board may authorize, and to make by-laws and rules of government of their concerns, not inconsistent with the constitution and laws of this State or of the United States, for the management of its property, the regulation of its affairs, and the transfer of its stock.

SEC. 10. The line of Telegraph aforesaid, extending from St. Louis to Nashville, in this State, shall be recognized as one line, and the capital stock of this company shall be the amount of the shares issued for the said line complete. Dividends on said line shall be declared to the shareholders out of the nett profits of the whole line.

SEC. 11. The St. Louis and New Orleans Telegraph

Company, shall have the power to set up their fixtures ^{Drainages.} along and across any of the roads, streets, or waters of this State, without its being deemed a public nuisance, or subject to be abated by any private person: the said fixtures to be so placed as not to interfere with the common use of such roads, streets, and waters, or with the convenience of any land owner, more than is unavoidable: but the said corporation shall be responsible for any damages that any person or corporation may sustain by the erection, continuance, and use of such fixtures; and in every action brought for the recovery thereof, by the owner or possessor of any land, the damages to be awarded may, at the election of said corporation, include the damages for allowing the said fixtures permanently to continue, on payment of which damages the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit: *Provided*, that no person, or body politic shall be entitled to sue for, or receive damages as aforesaid, until the said corporation, after due notice, shall have failed or refused to remove in a reasonable time, the fixtures complained of, and such notice to any agent or director shall be taken and deemed notice to the company. If any person shall wilfully damage or destroy the fixtures of said corporation, erected in pursuance of the authority hereby given, actually interrupting, or with intent to interrupt the operations of the Telegraph, shall be deemed guilty of a misdemeanor, and shall be punished as other misdemeanors, and such person shall also be liable to an action for damages.

SEC. 12. The corporation shall be bound, on application of any of the officers of this State or of the United States acting, in the event of any war, insurrection, riot, or resistance of public authority, or in the prevention or punishment of crime, or the arrest of persons charged or suspected thereof, to give to the ^{Official communications.} communications of such officers immediate despatch, and if any officer, clerk, or operator of said company shall refuse or wittingly omit to transmit such communication, or shall designedly alter or falsify the same, for any purpose whatever, he shall be subject to fine and imprisonment, in proportion to the aggravation of the offence, upon conviction thereof, before any court of competent jurisdiction. For transmitting such communications, the company shall charge no higher price than for private communications of the same length.

SEC. 13. Dividends of profits shall be declared as ^{Dividends.}

often as the President and Directors may deem it expedient, but no dividend shall be declared which shall impair the stock of said company.

SEC. 14. The Telegraph company hereby incorporated shall have power to purchase and use any improvement in the present system of telegraphing, if any shall be invented or discovered.

Taxation. SEC. 15. The stock and property held and being in this State, shall be exempt from taxation until dividends shall be made thereon, when they shall be subject to taxation at the same rate as other like property.

Trustees. SEC. 16. By consent of subscribers for stock in said line, Tal. P. Shaffner, James Campbell, and James B. Husbands, or their successors, shall act as Trustees of said line, until the organization of said company, and shall exercise such powers and privileges as may be agreed to by the subscribers for stock in said line.

SEC. 17. The General Assembly of the State of Tennessee, hereby reserves the right of altering, amending, or abolishing all the rights, privileges, and immunities of the body politic and corporate created by this act.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, February 9, 1850.

CHAPTER CCLVIII.

An Act for the relief of Benj. Adams.

Be it enacted by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be, and he is hereby authorized and directed to issue his warrant to the Treasurer of this State, instructing him to pay Benj. Adams thirty-three dollars for boarding James Etherage and John McClain, arrested in 1842, for the murder of Mr. Copman, and five guards, for eleven days, he having boarded the said men under the order of W. B. Johnson, Attorney General of the State.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Feb. 9, 1850.

CHAPTER CCLIX.

An Act to incorporate the McMinnville and Manchester Rail Road Company and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a communication by railroad, between McMinnville and the Nashville and Chattanooga railroad in the direction of Manchester, the formation of a company is hereby authorized, which when formed, shall be a body corporate, by the name and style of the McMinnville and Manchester Railroad Company, and by said corporate name, shall be capable in law to buy, receive by gift, hold, sell and convey real and personal estate, as hereinafter provided, make contracts, sue and be sued, to make by-laws, and to do all lawful acts properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated, and to have and use a common seal, and the same to alter and destroy at its pleasure, and shall have perpetual succession of its members.

SEC. 2. Books for subscription of forty thousand shares of the capital stock of said company, of twenty-five dollars each, shall be opened on the first Monday in April next, 1850, and shall be kept open for six days, between the hours of ten o'clock in the morning, and four o'clock in the evening, of each of those days, at the following places and by the following commissioners, to wit: At McMinnville, by William White, William C. Smartt, George R. Smartt, Stokely D. Rowan, L. D. Mercer, J. Woodla, R. A. Campbell and Alexander Black; at Manchester, by Wm. P. Hickerson, W. R. Wilson, M. Stephens, W. Sherrel; at Hillsboro', by B. T. Hollins, Joseph Howe and J. Charles.

SEC. 3. The said commissioners or a majority of them, at each of the places aforesaid, shall receive subscription for stock in the said railroad company during the time the said books are directed to be kept open, and on each share, so subscribed, shall demand and receive the sum of fifty cents, without which the subscription shall be void.

SEC. 4. As soon as the time for receiving subscription as aforesaid shall have expired, the said commissioners shall respectively deposite all the money so received by them in some incorporated bank redeeming its notes in specie, to the credit of the McMinnville and Manchester railroad company, and subject to the order of the president of the board of commissioners hereinafter appointed, and shall also forward a correct list of all the subscribers to the said stock, with the number of shares each sub-

Incorporation.

scriber has taken, to a board of commissioners to be composed of the following persons: Wm. C. Smartt, W. M. White, George R. Smartt, David Ramsey, sr., George Stroud, Thomas Mabry, W. P. Hickerson, W. R. Wilson, B. T. Hollins and Joseph Howe, who may establish rules to govern their proceedings, choose their own president and appoint such other officers and agents, as they may think proper, and prescribe their duties, and who, or a majority of whom, shall meet at McMinnville on the third Monday in January next, ascertain the whole number of shares taken in the said company, and publish the same in some newspaper printed in McMinnville, on or before the fourth Monday in, January next, and if the number of two thousand, five hundred shares shall have been subscribed, on each of which there shall have been paid the sum of fifty cents, the McMinnville and Manchester railroad company shall be regarded as formed, and thenceforth and from the day of closing the books of subscription as aforesaid, and said subscribers to the stock, shall form a body politic and corporate, in deed and in law, by the name and for the purposes aforesaid, and in all things to be represented by the Board of commissioners aforesaid, until the election of a board of directors as hereinafter prescribed.

May make surveys.

Sec. 5. If on closing the books aforesaid, the number of two thousand, five hundred shares shall not have been subscribed, then and in that case the said board of commissioners, by themselves or their agents, may receive subscriptions till the sum of two thousand, five hundred shares be taken, and whenever that number of shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and of which notice shall be given as hereinafter directed, and may proceed to survey the route for the road, and to make an estimate of the cost of its construction; nevertheless, no conclusive and binding location of the road shall be made by the board of commissioners; but the same shall be left to the determination of the first board of directors chosen by the stockholders, and the said board of commissioners may, by themselves or their agents, at such times and places as they may think proper, and upon such terms as to time and manner of payment as they may deem expedient, receive additional subscriptions until the number of two thousand, five hundred shares shall have been subscribed, upon which the company may be formed, and the subscribers shall thenceforth form a body corporate as aforesaid: *Provided*, The same shall be done on or before the first day of January, 1852; and for the residue of the original number of forty

thousand shares, the said corporation, when organized, may in like manner receive additional subscriptions.

SEC. 6. In case more than forty thousand shares shall have been subscribed on closing the books, when they are first opened, the shares shall be reduced to that number, by deducting the surplus shares from the highest subscribers, placing them on equality of numbers as far as can be done, and after such reduction, the holders of the remaining shares shall form the company, and be interested therein, in proportion to the number of shares which they may then respectively hold.

SEC. 7. If on closing the books on the first day of Sealing Stock. January, 1852, the number of two thousand, five hundred shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by the said board of commissioners, after defraying the expenses of opening the books, and making a survey and map of the route, and estimate of the cost of the road, which said commissioners are hereby authorized to have made as soon as practicable.

SEC. 8. The affairs of said company shall be managed Board of Directors. by a board of directors to consist of who shall be chosen by the stockholders from their own body, and a president of the company shall be chosen by the directors, from among their own members, in such manner as the regulations of the corporation shall prescribe.

SEC. 9. As soon as the number of two thousand, five hundred shares shall have been subscribed, it shall be the Elections. duty of the commissioners appointed to declare the same, to appoint a time for the stockholders to meet at McMinnville, and to give notice thereof by publication in newspaper; at which time and place the said stockholders, in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations, rules and by-laws as may be necessary for the government of the corporation and the transaction of its business; the persons elected directors, at this meeting, shall serve for such period, not exceeding one year, as the stockholders may direct, and at this meeting, the stockholders shall fix on the day and the place or places, where the subsequent elections for directors shall be held, and such elections shall thenceforth be annually made; but if the day of annual elections should pass without any election of directors, the corporation shall not be thereby dissolved; but it shall be lawful on any other day to hold and make such elections, in such manner as may be prescribed by the by-laws of the corporation.

SEC. 10. The board of directors may fill up all vacan- Vacancies. cies that may occur in it during the period for which their

board shall have been elected; and in the absence of the president, may fill his place by the election of a president *pro tempore*.

Sec. 11. All contracts and agreements authenticated by the president of the board, shall be binding on the company without seal, or such other mode of authentication may be used, as the company by their by-laws may adopt.

Contracts not to
exceed funds.

Sec. 12. The board of directors shall not exceed, in their contracts, the amount of the capital of the corporation, and the funds which the company may have borrowed and placed at the disposal of the board; and in case they should do so, the president and directors, who may be present at the meeting at which such contracts so exceeding the amount aforesaid, shall be jointly and severally liable for the excess, both to the contractor and contractors, and the corporation; *Provided*, That any one may discharge himself from such liability, by voting against such contract or contracts, and causing such vote to be recorded on the minutes of the board, and giving notice thereof to the next general meeting of the stockholders.

Rates of Toll.

Sec. 13. The said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandize and produce over the said railroad by them to be constructed; *Provided*, That the charge of transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and two cents per cubic foot on articles of measurement, for every hundred miles, and five cents a mile for every passenger; *And provided also*, That said company may, when they see fit, farm out their right of transportation on said road, subject to the rates above mentioned.

Calls on Stock.

Sec. 14. The board of directors may call for the payment of twenty-four and a half dollars on each share of stock, in sums not exceeding two dollars in every thirty days; *Provided*, That twenty days' notice be given of such call, in at least one public newspaper of the State in which any of the stockholders may reside; and a failure to pay or secure to be paid, according to the rules of the company, any of the instalments so called, as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon, and the same shall vest in and belong to the company, and may be restored to the owner or owners by the board of directors, if they deem proper, on the payment of all arrears on such shares and legal interest thereon; or the directors may waive the forfeiture after days

default, and sue the stockholders for the instalments due at their discretion.

SEC. 15. The stock of said company may be transferred in such manner and form as may be directed by the by-laws of the said corporation.

SEC. 16. The said company may at any time increase its capital to a sum sufficient to complete the said road, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company and on the mortgage of its charter and works; and the manner in which the same shall be done in either case, shall be prescribed by the stockholders at a general meeting; and any State, or any citizen, corporation or company of this, or any other State, or country, except such companies or corporations as the State may own stock in, may subscribe for and hold stock in said company, with all the rights, and subject to all the liabilities of any other stockholder.

SEC. 17. The board of directors shall, once in every year at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener, if directed by a by-law, and shall have power to call a general meeting of the stockholders when the board may deem it expedient.

SEC. 18. The said company may purchase, have and hold in fee, or for a term of years, any lands, tenements and hereditaments, which may be necessary for said road, appurtenances thereto, or for the erection of depositories, store-house, houses for the officers, servants or agents of the company, or for procuring timber, stones or other materials necessary for the construction of the road, or its appurtenances, or for effecting transportation thereon.

SEC. 19. The said company shall have the right, when necessary, to construct the said road, or any branch thereof, across or along any public road or water-course; *Provided*, That the said road and the navigation of such water-course shall not be thereby obstructed; *And provided further*, That such railroad shall not be located so near any turnpike road as to injure or prejudice the interests of the stockholders in such turnpike road; except upon such terms as may be agreed upon between the president and directors of the same, on behalf of the stockholders.

SEC. 20. The said company may purchase, have and hold any bridge or turnpike road over which it may be necessary to carry the said railroad, and when such purchase is made, to hold the said bridge or turnpike road

on the same terms, and with all rights which belong to the individual, individuals or corporation from which such purchase may be made; *Provided*, That the said company shall not obstruct any public road without constructing another as convenient as may be.

SEC. 21. Where any lands or rights of way may be required by the said company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the circuit court of the county where some part of the land or right of way is situated, and the said commissioners, before they act, shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duty assigned them; in making the said valuation the commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being taken, or the right of way surrendered, and also the benefit and advantage he, she, or they may receive, from the construction or establishment of the railroad or works, and shall state particularly the nature and amount of each, and the excess of loss and damage, over and above the benefit and advantage, shall form the measure of the valuation of said land or right of way; the proceedings of the said commissioners, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission issued, there to remain of record; in case either party to the proceeding shall appeal from the valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted; and the land or right of way so valued by the commissioners or jury, shall vest in the said company in fee simple, so soon as the valuation may be paid, or when refused, may be tendered; where there may be an appeal as aforesaid from the valuation of commissioners by either of the parties, the same shall not prevent the works intended to be constructed from proceeding; but where an appeal is by the company requiring the surrender, they shall be at liberty to proceed in their works only on condition of giving to the opposite party a bond, with good security to be approved of by

Damages.

the clerk of the court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in cash the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court; *Provided*, That when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed during the pendency of any proceeding to assess its value as aforesaid, nor shall any injunction or supersedeas be awarded by any judge or court to delay the progress of said work.

SEC. 22. In the absence of any contract with the said company, in relation to any lands through which the said road may pass, signed by the owner thereof, or by his agent, or claimant, or any person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed, together with a space of one hundred feet on each side of the centre of the said road, has been granted to the company by the owner thereof; and the said company shall have good right and title thereto and shall have, hold and enjoy the same as long as the same be used only for the purposes of the road, and no longer, unless the persons or person owning the said road at the time that part of the road which may be on the land was finished, or those claiming under him, her or them shall apply for an assessment for the value of the said lands, as hereinbefore directed, within five years next after that part of said road was finished: and in case the said owner or owners, or those claiming under him, her, or them, shall not apply for such assessment within five years next after the said part was finished, he, she or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor; *Provided*, Nothing herein contained shall effect the right of *femes covert*, or infants until two years after the removal of their respective disabilities. Rights, when presumed.

SEC. 23. If any person shall intrude upon the said railroad, or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she, or they shall forthwith forfeit to the said company, all the vehicles that may be so intruded on said road, and the same may be recovered by suit at law; and the person or persons so intruding may be indicted also for misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction. Penalty on intruders.

SEC. 24. If any person shall wilfully and maliciously

Penalty for injury destroy, or in any manner hurt, damage or destroy the said railroad, or any bridge, or any vehicle used for, or in the transportation thereon, such person or persons so offending shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six months, nor less than one month, and pay a fine not less than twenty dollars, and shall be further liable to pay all the expenses of repairing the same.

Obstructions a nuisance. SEC. 25. Every obstruction to the safe and free passage of vehicles on the said road shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of the company, and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

Rules of transportation. SEC. 26. The said company shall have the right to take, at the storehouse they may establish or annex to their railroad, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority, charge and receive such just and reasonable compensation for storage as they may, by rules, establish (which they shall cause to be published) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation: *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandise and produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

Dividends. SEC. 27. The profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

Banking prohibited. SEC. 28. The said company is hereby expressly prohibited from carrying on any banking operation, but may effect insurance on lives and property transported on the road.

Cross roads. SEC. 29. Whenever in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the company to construct said road across such established road or way so as not to impede the passage or transportation of persons or property along the same, or where it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individual a proper wagon way or ways across said road from one part of his land to another.

SEC. 30. The said company shall have and possess

such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work.

SEC. 31. This charter shall be amendable from time to time by the Legislature, whenever the president and directors shall unanimously petition for amendments, specifying in the petition the nature of such amendments.

SEC. 32. If by decree or otherwise the said corporation shall be dissolved, the president and directors of said company are created trustees with such powers only as may be necessary to collect the debts due the company, preserve the property, pay the debts and distribute the property and effects of the company to those who may be entitled thereto under the charter.

Dissolution of
Company.

SEC. 33. The capital stock of said company shall be exempt from taxation, until the dividends amount to six per cent, and the road with all its fixtures and appurtenances, shall be exempt from taxation for the period of twenty years from the completion of the road, and no longer.

SEC. 34. The railroad authorized by this act, shall be commenced within three years after the passage of this act, and shall be finished within six years thereafter; otherwise the charter hereby granted shall be void.

SEC. 35. That for the purpose of completing a communication by Railroad from Shelbyville to Columbia, the formation of a company for the purpose of constructing a railroad from Shelbyville by the way of Lewisburg to Columbia, which, when formed in pursuance of the provisions hereinafter named, shall be a body corporate, by the name and style of the Shelbyville and Columbia Railroad Company. They shall have perpetual succession, and by said corporate name shall sue and be sued, and have all the powers, rights and privileges, and subject to all the restrictions, which are contained in an act entitled an act to incorporate the Memphis and Charleston Railroad Company, passed on the 2d day of February 1846; and the act amendatory of the same, and every part and parcel of the same, as fully as if herein set forth at length, except the first, second, third, fourth and forty-first sections thereof, and the same is hereby declared to form and constitute a part of the charter herein granted to the Shelbyville and Columbia Railroad Company, except that the words "January 1851," are

Shelbyville and
Columbia Rail
road.

hereby substituted for the words "January 1849," where the same occurs in the fifth and seventh sections of said act, and the word "thirty" is hereby substituted for the word "eight" when the same occurs in the sixth section of said act.

SEC. 36. The capital stock of said company shall amount to the sum of five hundred thousand dollars, with power to open books and increase the same to an amount sufficient to complete the said road. Books for the subscription of the capital stock of said company, in shares of twenty-five dollars each, shall be opened on the 1st Monday in April, 1850, and shall be kept open for the space of ten days, at Shelbyville, Lewisburg and Columbia, and by Thomas C. Whitesides, John T. Neil and Robert Mathews, at Shelbyville; by Russell P. Whitesides, R. K. Kercheval and John R. Hill, at Lewisburg; and by R. B. May, B. F. Roche and R. G. Payne, at Columbia—and if a sufficient amount of stock is not subscribed in the ten days, they may keep said books open for subscriptions as long they deem best.

SEC. 37. That said commissioners, or a majority of them, at each of the places aforesaid, shall receive subscriptions for stock in said railroad company, during the time the said books are directed to be kept open, and on each share so subscribed, shall demand and receive the sum of fifty cents; and as soon as the time for receiving subscriptions shall have expired, the said commissioners shall organize, and establish rules to govern their proceedings, and who or a majority of whom, may choose their president, and appoint such other officers and agents as they may think proper, and prescribe their duties, and who, or a majority of whom, shall meet in Lewisburg on the 1st Monday in May next, ascertain the whole number of shares taken in said company, and publish the same in the newspapers in Shelbyville, Lewisburg and Columbia.

SEC. 38. And if the sum of two hundred thousand dollars shall be subscribed, the Shelbyville and Columbia railroad company shall be regarded as formed, and thenceforth, and from the day of closing the books of subscription as aforesaid, the said subscribers of stock shall form a body politic and corporate in deed and in law, by the name and for the purpose aforesaid.

SEC. 39. *Be it enacted* That said company shall begin the said railroad within three years from and after the passage of this act, and complete the same within six years, or they shall forfeit this charter.

SEC. 40. *Be it enacted*, That for the purpose of con-

structing a communication by Railroad from McMinnville to Sparta, the formation of a company is hereby authorized, which, when formed, in pursuance of the provisions of this act, shall be a body corporate by the name and style of the Sparta and McMinnville Railroad Company; they shall have perpetual succession, and by said corporate name shall sue and be sued, and have all the powers, rights and privileges, and subject to all restrictions which are contained in this charter granted to the McMinnville and Manchester Railroad Company, and they shall have power to construct bridges on any water course on said road.

Sparta and McMinnville Railroad.

SEC. 41. Books for the subscription of forty thousand shares of the capital stock of said company of twenty-five dollars each, shall be opened on the first Monday in May, 1850, and shall be kept open for ten days, between the hours of ten o'clock in the morning, and four o'clock in the evening of each day, Sundays excepted, at the following places, and by the following commissioners, to wit: at McMinnville, by James P. Thompson, Patrick Coffee, R. A. Campbell; and at Sparta by W. W. Moore, H. L. Carric, Wm. Clayton, John Young, William Bosson, John Simpson, Joseph Snodgrass, and Wayman Clark; at Van Buren, by Joseph Cummings, Uriah York, and M. Y. Bracket; at Covington [Livingston] by Wm. Goodbar, Joseph Copeland, J. D. Goodpaster; at Gainesborough, by W. R. Kenner, Thomas L. Bransford, and W. M. Cook.

Commissioners.

SEC. 42. The said commissioners, or a majority of them, at each of the places aforesaid, shall receive subscription for stock in said railroad company during the time the said books are directed to be kept open, and on each share so subscribed, shall demand and receive the sum of fifty cents, without which the subscription shall be void.

SEC. 43. As soon as the time for receiving subscription as aforesaid, shall have expired, the said commissioners shall respectively deposit all the monies so received by them, in some incorporated bank, redeeming its notes in specie, to the credit of the McMinnville and Sparta railroad company, subject to the order of the president of the board of commissioners, who shall be selected by a majority of the aforementioned commissioners, who shall organize and establish such rules as they may think proper to govern their proceedings, and who, or a majority of whom, may appoint such other officers and agents as they may think proper and prescribe their duties, and who, or a majority of whom, shall meet in Sparta on the 2d Monday in June,

1850, and ascertain the whole number of shares taken in said company, and publish the same in the *Sparta Times*, a newspaper printed in the town of Sparta.

SEC. 44. And if the sum of two hundred and fifty thousand dollars shall be subscribed, the McMinnville and Sparta railroad company shall be regarded as formed, and thenceforth and from the day of closing the books of subscription as aforesaid, subscribers of stock shall form a body corporate and politic in deed and in law by the name and for the purpose aforesaid.

SEC. 45. *Be it enacted*, That said company shall begin said railroad within three years from and after the passage of this act, and complete the same within ten years, or they shall forfeit their charter.

SEC. 46. The commissioners shall have power to re-open books for the subscription of the capital stock of said company at any time they may think proper within three years, if a sufficient amount has not been subscribed to secure said charter or complete said railroad.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 4, 1850.

CHAPTER CCLX.

An Act for the remuneration of Y. S. Patton, for sundry repairs of the two Legislative Halls.

Be it enacted by the General Assembly of the State of Tennessee, That four hundred dollars be paid out of the State treasury to Y. S. Patton, it being the amount reported in favor of said Y. S. Patton by the committee on claims, for service in making necessary repairs of the Senate and Representative Halls.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed October 25, 1849.

CHAPTER CCLXI.

An Act to amend An Act entitled An Act to authorize Benjamin Parker Hopkins and William Tinker, of the county of Cocke, to open a Turnpike road, and for other purposes.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Benjamin Parker Hopkins and William Tinker, of the county of Cocke, shall have the further time of two years from and after the passage of this act, to open and complete said road.

SEC. 2. *Be it enacted,* That seven thousand dollars, a part of an unexpended balance of seventeen thousand dollars appropriated for the improvement of Clinch and Powell's rivers, by an act passed January 28, 1838, be hereby applied by two separate boards of commissioners, to the improvement of the roads from Tazewell, Claiborne county, to Knoxville, in Knox county, usually styled the near road to Knoxville from Tazewell; and from Jacksborough, Campbell county, via Clinton to Knoxville, in Knox county, to be equally divided between the two roads.

SEC. 3. *Be it enacted,* That Isaac Miller, and John Easley, of Claiborne county, and Calvin Huddleston, of Grainger county, are hereby appointed and constituted the board of commissioners under this act, to be known by the name and style of the Board of Commissioners for the improvement of the Tazewell and Knoxville road.

Commissioners of
Knoxville and
Tazewell Road

SEC. 4. *Be it enacted,* That R. D. Wheeler, of Campbell county; John McAdoo, sr. and Charles Leonard, of Anderson county, are hereby appointed and constituted the board of commissioners for the improvement of the Jacksborough and Knoxville road.

Jacksborough &
Knoxville Road

SEC. 5. *Be it enacted,* That the board of commissioners of each of said roads shall be required to meet, at any place that may suit their convenience, as early as practicable, to consult and determine the best and most suitable way of applying the money hereby appropriated, to the most advantage on said roads.

SEC. 6. *Be it enacted,* That each of said commissioners, before entering upon the duties assigned him by this act, shall take an oath, to be administered by some judge or justice of the peace of this State, faithfully to discharge all the duties enjoined upon him as commissioner, without favor, partiality or affection, to the best of his judgment and ability; each board of said commissioners shall give bond and security in the sum of seven thousand dollars to the clerk of the circuit court, who is hereby authorized to take said bond, to be made payable to the Governor of the State, and his successors in office, condi-

tioned for the faithful application of all monies placed in their hands, or under their control to be expended for the improvement of said roads.

SEC. 7. *Be it enacted*, That in said boards of commissioners a majority will constitute a board; who shall be required to make all necessary surveys, or examinations of said road, and select the best and most practicable ground for the best roads, and to change the old roads whenever they believe the said roads will be improved by such a change.

SEC. 8. *Be it enacted*, That the members of said boards shall each receive as compensation for every day they may be exclusively engaged in the discharge of their duties as commissioners, the sum of two dollars; in the event a death or deaths occasion a vacancy or vacancies, or that they occur otherwise, the remaining members or member of said boards shall have full power to carry on such works, as if no such occurrence had taken place; the boards of commissioners are hereby authorized to draw the money provided for by this act, from the branch of the bank of Tennessee, at Rogersville, as provided in the act of the original appropriation of seven thousand dollars.

SEC. 9. *Be it enacted*, That one thousand dollars, a part of the above mentioned river appropriation, be hereby applied to the improvement of the road from Sneedsville, in Hancock county, to Col. Jacob Shultz's, commonly called the Brien Creek and Big Sycamore Road.

SEC. 10. *Be it enacted*, That William Smith, Esq. and Alexander Campbell, sr., be hereby appointed and constituted commissioners of said road, to be governed by the same rules, restrictions and regulations as required by the above; the money to be obtained as provided for in the act of the original appropriation.

SEC. 11. *Be it enacted*, That after the meeting of said boards of commissioners it shall be their duty to determine where said roads shall run, and where the work is most needed, and proceed immediately either to appoint an overseer or overseers to manage and direct said work, who may be one or more of said commissioners, or some other person agreed upon by them, whose pay shall be fixed by the boards of commissioners.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 23, 1850.

CHAPTER CCLXII.

An Act to incorporate Fall Branch Seminary, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jesse H. Crouch, Eldridge S. Edwards, E. S. Poindexter, John Pickens, Thomas J. Murrell, Martin Kitzmiller, R. P. Murray, John A. Lady, George W. Vincent, Jeremiah Chase, Solomon Buckanan, R. H. Murrell, Thomas Brandon and Wm. A. Keen, be and they are hereby constituted a body corporate and politic, by the name of the Trustees of the Fall Branch Seminary, and shall have perpetual succession, and be capable in law or otherwise, to purchase, receive and hold to themselves, and their successors, any lands, tenements, goods or chattles, which may be given, granted or devised to them, or purchased for the use and benefit of said seminary aforesaid; and the said trustees and their successors, by the name aforesaid, may sue and be sued in any court of law or equity in this State or elsewhere.

SEC. 2. That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places, as they may think proper, to elect one of their number president, and a secretary, and treasurer of said board; and to fill vacancies that may happen by death, resignation or otherwise; but not less than five of said trustees shall constitute a quorum to do business relating to the interests of said seminary.

SEC. 3. That said board of trustees shall have power to make such by-laws, rules and regulations relative to said seminary, and the government thereof, and their own proceedings, as a majority of said board may deem right and proper; *Provided*, They are not inconsistent with the constitution and laws of the United States, or the State of Tennessee.

SEC. 4. That the trustees may have power to increase their number to fifteen, and to elect others at any regular meeting when vacancies occur, to declare vacant the seat of any trustee who may neglect the business of the seminary for one year, or for conduct not becoming the dignity and responsibility of his station.

SEC. 5. *Be it enacted*, That Lawson Gifford is hereby authorized to open and construct a turnpike road from the terminus of the Johnson and Carter turnpike, on the most practicable route to Joseph L. Birt's, in Washington county, that is to say, to the forks of the road, about two hundred yards east of said Birt's house, under the same regulations, liabilities, restrictions and privileges

Lawson Gifford's
Road.

of the company of the said Johnson and Carter turnpike road; *Provided*, That the citizens of Washington and Carter counties, traveling said turnpike for neighborhood purposes, or for the purpose of going to or from church, shall not be required to pay toll; *And provided further*, That said Gifford shall not erect more than one gate on said turnpike road.

Fayette Lyceum. SEC. 6. *Be it enacted*, That Matthew Rhea and M. J. Long, of Fayette county, be constituted a body politic and corporate, by the name of the Proprietors of the Fayette Lyceum for young ladies, and as such shall have perpetual succession, and be capable in law or otherwise, to hold to themselves, and their successors, lands, tenements, goods or chattles obtained by grant, devise or purchase, for the benefit of said institution; and by the name aforesaid, said proprietors, and their successors, may sue and be sued, plead and be impleaded in any court of law and equity.

SEC. 7. *Be it enacted*, That said proprietors shall have the power to choose associates, to make and appoint such rules and regulations as they may deem necessary for the good government and support of a high school of learning; and to appoint successors, and invest the same with the rights and privileges hereby conferred; *Provided*, Nothing herein contained shall be inconsistent with the constitution and laws of the United States, or of the State of Tennessee.

College in Giles County. SEC. 8. *Be it enacted*, That an act entitled an act to incorporate the trustees of a college, to be located in Giles county, be so amended as to authorize the trustees of said college to elect from among their number, a president of said board of trustees, and that the president of the faculty shall be *ex officio* vice president of the board.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 4, 1850.

CHAPTER CCLXIII.

An Act to charter the North Fork of Obion Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Burton L. Stovall, William Taylor, John T. Abington, William Crittenden, Wilson R. Hogan, Lysander Adams and Moses D. Harper, are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of eight thousand dollars, a sufficiency thereof to be applied to making a turnpike road, across the North Fork of Obion river and its bottoms, at or near the point of the present road from the town of Dresden to the town of Troy crosses said North Fork, or at some other suitable point for a road between said towns; said sum of eight thousand dollars shall be divided into shares of fifty dollars each, and the subscription shall be in person, or by attorney regularly authorized; but if a larger sum shall be necessary to build the road, secure the right of way, purchase such real and personal property as the company may desire for the use and benefit of said company, the capital may be enlarged to ten thousand dollars. As soon as three thousand dollars shall be subscribed, a meeting of the stockholders shall be held in the town of Troy, of which meeting the managers of the subscription shall give twenty days' notice, at Troy, Dresden and Adams' Steam mill, in writing, or in some newspaper of general circulation in Obion county; after which first meeting the subscribers shall be, and they are hereby constituted a body corporate and politic, by the name and style of the North Fork of Obion Turnpike Company, and together with those who may afterwards subscribe for or purchase stock, shall have succession for one hundred years, and own, sell and buy real and personal property, sue and be sued, plead and be impleaded, in their corporate name and character, and have, hold, enjoy and possess all the rights, privileges and powers appertaining by law to bodies corporate and politic, and have a common seal. The subscribers, or a majority of them, being present at the first meeting, shall elect five directors, who shall be stockholders; who shall elect one of their number, president of the board of directors, and the president and directors thus chosen shall continue in office until the first regular annual meeting of the stockholders thereafter, or until another election shall take place, to fill their places, of which election notice shall be given in some newspaper of circulation in said county, or in writing, at Troy, Dresden, and the toll gate on said turnpike.

Incorporation.

Organization.

General Powers.

The president and directors thus chosen, and their successors in office, shall have power to open books and receive subscription as they may think best, for an amount sufficient to construct said road, or for the remainder of the said sum of ten thousand dollars if a majority of the company shall so direct; and they shall have power, by themselves or other suitable person or persons to be appointed by them, to view and mark out the road as before designated, from the bluff on the east side of said river and bottom, to the high or arable ground on the west side thereof. They shall also make contracts for the opening and construction of said road. They may, from time to time, require such advances on the shares subscribed, as the wants of the company may require; *Provided*, That no call shall be made for more than five dollars on each share, at any one time, and not oftener than once a month, of which ten days' notice, as aforesaid, shall be given; said president and directors shall have power, in all cases of emergency, to call a meeting of the stockholders, or subscribers, by giving twenty days' notice as aforesaid; but the first Monday in July in each and every year, shall be the regular time of meeting of the stockholders, and the town of Troy, the place, until changed by said stockholders; said president and directors may also appoint a clerk, treasurer and such other officers as may be necessary, and transact all of the business of said company; they may prescribe the duties and fix the pay of all the officers and agents.

Calls of stock.

SEC. 2. If any subscriber shall fail to pay any calls that are made, by notice as aforesaid, his stock shall be sold for the amount of said call, and the purchaser shall have all the rights, and be subject to all the liabilities of the original owner, and if the stock does not bring the amount, the owner shall be liable to be sued for the balance before any jurisdiction having cognizance thereof, and if it bring more than the call and cost, the overplus shall be paid over to the original owner.

Quorum—Vacancies.

SEC. 3. The president and directors, or any three of them, all agreeing thereto, shall be sufficient to transact ordinary business, and all vacancies that shall happen in the board between the regular meetings of the stockholders, shall be supplied by the directors, a majority of the whole board voting in the affirmative.

Record of proceedings.

SEC. 4. The clerk shall keep a regular journal of all the proceedings at the meetings; he shall furnish to each subscriber, a certificate signed by the president and by him attested, of the number of shares held by each subscriber; such certificate may be transferred by an assignment attached to or on the same, and witnessed by two

persons, and the same being acknowledged by the vendor, or proved before the board or clerk, shall vest in the purchaser, all the rights, and subject him to all the liabilities of the original subscriber; a record of such transfer shall be kept.

SEC. 5. Immediately after the first meeting of the subscribers, and the election of directors, the said directors, or a majority of them agreeing, or such person or persons as they may appoint, shall proceed to mark out said road; each director or other person engaged in marking out said road, shall be allowed two dollars, to be paid by the company, for every day he may be necessarily engaged in performing that duty.

SEC. 6. If any person, over whose land said road may run, claim damages for the same, and he and the company cannot agree on the amount, he may apply to the circuit court, at its next or any subsequent term, by petition setting forth the nature of the case, and the court shall appoint a jury of five disinterested persons, to go upon the ground, and, after being sworn by the sheriff, to assess the amount of damages which, in their judgment, the petitioner has sustained by the said road running through his or her land, or the land of his or her ward, in case of minors; which assessment of damages shall be made out and signed by the jury, and returned to the next term of said court, and if damages are awarded, a judgment shall be entered, and execution issue for the same, against the said president and directors, in favor of the person entitled to the same; but in making out their reports, the said jury shall take into view, the advantages of said road to the petitioners, and if they report that the petitioner is not entitled to damages, he, she or they shall pay the costs and damages of such petition; the property in said road, when completed, shall vest in said company, and their successors, for their use and for the purpose of a highway, which road shall be free for all persons, on the terms and conditions herein prescribed.

SEC. 7. The president and directors, by the consent of a majority of the company, may purchase any quantity of land, adjacent to said road, not exceeding the surplus of their capital stock, and take conveyances therefor to themselves, and their successors, and may dispose of the same, under the direction of the company; and for the purpose of making said road, and keeping it in repair, said president and directors, or their agents or servants, may cut, dig and take from any land adjoining said road, such timber, earth or sand, as may be necessary for constructing and keeping in repair said road; if any person, from whose land any timber, earth or sand may be taken,

shall conceive himself injured; and the amount of damages cannot be agreed upon between himself and the company, the matter shall be settled in the manner prescribed in the preceding section of this act.

Style of Road. SEC. 8. Said road shall be opened at least thirty feet wide; said road shall be levied and raised of earth and timber, at least one foot above high-water mark, and the surface on either side thereof, except that portion to be bridged; and all the levy, to be thrown up at least fifteen feet wide on the top or surface, with sufficient slope, and ditches on either side, and shall be covered with split or sawed timbers, or other causewaying, and mud or sand, or with sufficient quantity of charcoal, which covering, causewaying or charcoaling shall be at least twelve feet wide, so as to make the same a good complete turnpike road; the ditches on either side of the levy to convey off the water sufficient to drain the same, with culverts or under cross drains and hollow bridges, when necessary, for the passage of flood-waters; said bridges shall be substantial and safe, at least two feet above high-water mark, and twelve feet between the side-railing, with good, safe side or hand-railing, also shall have a safe and sufficient bridge across said river, not less than twelve feet wide, between the side-railing, which shall be substantial, and of sufficient height to admit the passage of flat-boats at all stages of water; and in all respects said road, bridges and culverts shall be completed in a faithful, permanent and perfect turnpike manner, and when said road shall be completed from the river to the high lands on the east side thereof, a gate may be erected thereon, and one half, of the tolls hereinafter prescribed to be received when the whole of said road is completed, shall be received by said company.

Toll. SEC. 9. When the road is completed, there shall be one gate established thereon, at such place as the president and directors may select, and it shall be their duty to appoint toll gatherers thereat, and they shall be entitled to demand and receive the following rates of toll, to wit: For every four wheeled loaded wagon drawn by four or more horses, mules or oxen, fifty cents, if empty thirty cents; for every four wheeled loaded wagon drawn by two or three horses, thirty cents, if empty twenty cents; for every wagon, or carryall, or cart drawn by one horse or ox, twenty cents; for every four wheeled pleasure carriage and load drawn by two or more horses, forty cents, if drawn by one horse, twenty-five cents; for every two wheeled pleasure carriage and load, twenty-five cents, and all other vehicles in the same proportion; for every man and horse, ten cents; each footman five cents; for every

horse, mule, or ox, not in a drove, or employed in drawing a carriage, wagon or other vehicle, five cents, if in a drove, two and a half cents; for every head of sheep or hogs in a drove, one cent; for every head of cattle, two cents, and other animals in like proportion, and so in proportion for any greater or less number of such animals; and no higher rate of tolls shall be charge on said road.

Sec. 10. Should any person refuse to pay the toll here- Penalty for refus-
ing to pay toll.
by granted, at the time of offering to pass the gate on said road, the toll gatherer may refuse a passage to such person or animal liable to toll; and if any person or thing liable to toll, shall pass without the payment of toll, the toll gatherer, in the name of the president and directors of said company may, by warrant, before any justice of the peace, recover from the owner or person liable to toll, five dollars for each offence.

Sec. 11. If said company should fail to keep said road Roads out of re-
pair.
in repair at any time, for the space of twenty days, upon information thereof to any justice of the peace, of the county, he shall issue a warrant to some constable, commanding him to summon three freeholders, to meet at a certain time and place therein specified, giving five days' notice also to the keeper of the gate, or the president of the company; and if a majority of said freeholders, in the presence of the justice, shall find said road to be out of repair, according to the intent and meaning of this act, the toll hereby granted, shall cease to be demanded at the toll gate, until said defective part of the road shall be put in good repair.

Sec. 12. The said company shall have power to make By Law.
all such rules and regulations for their government, and the management of their affairs, as a majority of the stockholders, or the president and directors may think proper, and the same shall be written in the books of the secretary, and be open to the inspection of all concerned; *Provided*, That rules made to affect others shall be written out and kept posted up in some public place at the toll gate.

Sec. 13. There shall be a regular meeting of the stock- Elections.
holders at the town of Troy, or such other place as may be agreed upon by said company at any regular meeting, on the first Monday in July, in each and every year, at which meeting directors shall be elected for the next year, and such other measures adopted for the promotion of the interests of the corporation, as a majority present may think best; in the election of directors or any other question, every share shall entitle the holder to one vote, but members may vote by proxy under such regulations

as may be established by the company; directors shall continue in office one year, and until successors are appointed; they shall render a fair and full account of their proceedings, and the receipts and disbursements of money to each of the general meetings; a fair record of all the proceedings of the president and directors shall be kept, and shall be free for the inspection of all the shareholders at any time it may be desired; the time and place of meeting by the president and directors, shall be regulated by themselves.

Sec. 14. That any person or persons who may become subscribers for or owners of stock in said road, may be permitted to discharge the whole or any part thereof, in work and labor on said road, in building the same, upon such terms and in such way, as may be agreed upon by such subscriber or holder of stock, and the president and directors; *Provided*, That such stockholder will construct such portion of said road, or perform such labor thereon, as required by the president and directors, on as good terms as any other person, in which case a stockholder shall have a preference.

Sec. 15. If said company shall not begin said road within two years, and complete the same within five years after the passage of this act, in the manner herein directed, this charter shall be forfeited; and during the continuance of this charter, no other turnpike road across said river and its bottoms, shall be constructed or charter granted therefor, within three miles of the road contemplated in this act; in making out and constructing said road, said company shall have the right to use and occupy any portion of the present county road; but if they appropriate any portion thereof, they shall open a new road, equal to a second class road, in lieu of such portion so used, unless they shall be relieved therefrom by an order of the county court of Obion county.

Sec. 16. That the president and directors of said company, two-thirds of the stockholders in interest thereof, directing the same, may extend said road to the town of Troy, whenever they may think proper, during the existence of this charter, upon the principles and under the terms and provisions of this act; whenever said company shall determine to make such extension, the capital stock of said company shall be and is hereby increased to the sum of twenty thousand dollars, by subscription as provided for in this act; whenever said road extended as herein provided for, shall be completed, the distance of five miles from said North Fork of Obion river, said company shall be authorized to erect one other, or second, gate thereon and shall be entitled to demand and receive the same rates.

May extend road
to Troy.

of toll thereat as prescribed in this act; *Provided*, Said extension shall be completed to Troy within one year after the erection of said second gate: *And provided further*, That no gate shall be erected nearer to the town of Troy than one mile.

SEC. 17. That at any time during the existence of this May extend road. charter, two-thirds of the stockholders in interest directing and requiring the same, said company shall also have the privilege and full authority to extend said road or construct other road or roads, from said North Fork of Obion turnpike road, to the town of Dresden, and to the South Fork of Obion river, or to any other point or place, or any part or portion of such roads to said points, and for every five miles of such extended road or roads, they shall be entitled to erect one gate and have the same tolls thereat, under the same rules prescribed in the sixteenth section of this act; in case of such extension, they shall have a corresponding increase of stock in proportion to the number of miles of either or any such road or roads, they may determine to build.

SEC. 18. *Be it enacted*, That Henry J. P. Westbrook, Obion river turnpike company. David Bright, G. W. L. Marr, Wm. C. Miles, and R. G. Estridge, of the county of Obion, Luke P. Seay, R. P. Rains, John W. Elder, Wm. Parker, and Benjamin E. Holmes, of the county of Gibson, be, and they are hereby appointed, commissioners to open books, under the superintendence of any two of them, for the purpose of receiving subscriptions for stock to the amount of fifteen thousand dollars, which may be increased to twenty thousand dollars, if necessary, a sufficiency thereof to be applied to making a turnpike road across the main Obion river and its bottom, at some convenient, suitable place for a road, from Troy, in Obion county, to Trenton, in Gibson county; said sum of fifteen thousand dollars shall be divided into shares of one hundred dollars each; said commissioners or any two of them may open said books for subscription at such times and places as a majority of them may determine. When the sum of five thousand dollars shall be subscribed, said commissioners by advertisement in some newspaper of general circulation, shall call a meeting of the subscribers, which first meeting shall be held in the town of Troy, at which meeting, two-thirds of the stockholders in interest being present, they shall receive the books from the commissioners. After which meeting the subscribers shall be, and they are hereby constituted a body politic and corporate, by the name and style of Obion River Turnpike Company, and with those who may afterwards subscribe for and purchase

stock, shall have succession for one hundred years, and may own, sell, and buy real and personal property, sue and be sued, plead and be impleaded, in their corporate name and character, and have, hold, enjoy, and possess all the rights, privileges, and powers appertaining by law to bodies corporate and politic, and may have a common seal. The stockholders or a majority of them in interest, at the first or any subsequent meeting, shall have power to appoint one or more suitable persons to view and mark out the road as before designated, from the highland on the north side to the high land on the south side of said river; said stockholders shall also, from time to time, appoint all such superintendents, agents, or servants, and all clerks, engineers, treasurers, or other officers as in their judgment, at any time, may be necessary to transact any and all of the business of said company, and prescribe the duties and fix the pay of all such persons so appointed. They shall also have power, by themselves or agents, or any of their officers, at any time or place to open books for subscription for the remainder of the capital stock, also to contract for the opening and construction of said road; said stockholders, together with those who shall become associated with them by subscription or purchase of stock in said road, shall have power to make all such by-laws, rules and regulations for their government and the management of their affairs they may think proper, not inconsistent with the laws of this State or of the United States, and the same shall be written in the books of the company, and be open to the inspection of all persons, but rules to effect others shall also be published. And at the first meeting or any annual meeting or meetings, called for that purpose, said stockholders, if they think proper, may elect five directors, who shall be stockholders, and if said directors are elected, they shall elect one of their number president, and said president and directors shall have and exercise all such powers as may be given them by the stockholders, and all suits brought against said company, shall be against "the stockholders of said company," and all process against them shall be served on the president or one of the directors, if such exist, and if not, then on the gate-keeper, or any one of the stockholders residing in Obion county.

Sec. 19. That said Obion river turnpike road shall be **Style of Road.** opened at least thirty feet wide; shall be levied and raised of earth, timber or other materials, at least one foot above high water mark, and the surface on either side where there is no overflow, (except that portion which may be bridged) and the levy to be thrown up

shall be at least twenty feet wide on top or surface susceptible of travel, raised in the centre with proper slope to either edge of said surface, and sufficient slopes on the sides of the levy; and said levy shall be covered with split or sawed timbers or other causewaying with mud or sand thereon, or with a sufficient quantity of charcoal to make the same a good complete turnpike road; which covering, causewaying, or charcoaling, (known as mettaling,) shall be at least sixteen feet wide; *Provided*, That if said company shall desire it, they may cause fifty yards of said levy in each and every two hundred yards to be of the width of twenty-five feet and causewayed, coaled or metaled twenty feet for passways on said road; then the remaining portion of said levy may be made sixteen feet wide on the surface and the covering, causewaying or coaling (the mettaling) on such portions may be made twelve feet wide; ditches sufficient to drain the flood waters may be on either side of said levy, with a sufficiency of culverts, cross drains and hollow bridges when and where necessary for the passage of flood waters; all such hollow bridges shall be substantial and safe, and raised at least eighteen inches above high water mark, and at least sixteen feet wide between the side railing; with good, safe, substantial, side railing; also, shall have a safe and sufficient substantial bridge across said Obion river, at least sixteen feet wide between the side railing which shall be substantial; said bridge across the river shall be of sufficient height to admit the passage of boats at all stages of water, and so as not to obstruct the free navigation of said river; and in all respects said road, including bridges, shall be completed in a faithful, permanent and perfect turnpike manner.

Sec. 20. When said road is completed there shall be one gate established thereon, at such place as the company may select; and said company, in the name of the toll-gatherer, for the time being, for the use of the company, or in the name of such other person for the use of the company, as said company may from time to time appoint for the purpose, shall be entitled to demand and receive the following rates of toll, to wit: for every four wheeled loaded wagon, drawn by six or more horses, mules, or oxen, the sum of eighty cents; if empty, sixty cents; if drawn by four or five horses, mules or oxen, loaded, seventy cents; empty, fifty cents; if drawn by two or three horses or such animals, loaded, sixty cents; empty, forty cents; if drawn by one horse, mule or yoke of oxen, loaded, forty cents; empty, twenty cents; for every four wheeled pleasure carriage and passengers,

drawn by two or more horses, or mules, seventy cents; if empty, fifty cents; if drawn by one horse or mule, loaded, fifty cents; empty, thirty cents; for every two wheeled pleasure carriage, drawn by two or more horses, or mules and passengers, fifty cents; empty, thirty cents; if drawn by one horse or mule, and passengers, forty cents; empty, twenty cents; for every cart drawn by two horses, or mules, or yoke of oxen, loaded, thirty cents; empty, twenty cents; if drawn by one horse, mule, or yoke of oxen, loaded, twenty-five cents; empty, fifteen cents; and all other vehicles in like proportion; for each man and horse ten cents; for every horse, mule, or ox, not in a drove or employed in drawing a wagon or other vehicle, five cents; if in a drove three cents; for each head of cattle in a drove two cents; for each head of sheep or hogs in a drove, one and a half cents; and other animals in like proportion, and so in proportion for any greater or less number of animals; *Provided*, One driver to each vehicle paying forty cents, and under, and two drivers to each wagon or vehicle paying over forty cents, shall be allowed.

Sec. 21. That the said Obion river turnpike company shall possess and exercise, have and enjoy all the powers, privileges and immunities granted to the North Fork of Obion turnpike company, and be subject to the same liabilities and restrictions; and that the act incorporating the North Fork of Obion turnpike company be and the same is hereby constituted and made part of this act, except in cases otherwise provided for herein, or such provisions as are inconsistent with this act.

Sec. 22. That if the Obion river turnpike company shall not commence the road chartered by this act within three years from the passage of this act, and complete the same within eight years, this act shall be void.

Sec. 23. *Be it further enacted*, That Joseph A. Fowlkes, Saml. A. Warner, Isaac Larmon, Henry M. Darnall, G. W. L. Reeves, Chas. Bailey, John L. Moultrie, Wm. R. McAlister, Robt. H. Harrison and S. W. Cochran, be and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of forty thousand dollars, or a sum sufficient to make the road contemplated, for the purpose of making a turnpike road, or bridge across Reelfoot Lake at or near the Goose Islands or some other suitable place for a road across said lake; which sum of forty thousand dollars, or greater sum if necessary, shall be divided into shares of one hundred dol-

lars each, and the subscription shall be in person or by attorney regularly authorized. As soon as the sum of six thousand dollars is subscribed, a meeting of the stockholders shall be held in the town of Troy, of which meeting the managers of the subscription shall give thirty days' notice in some public newspaper printed at Hickman, Ky. After which first meeting the subscribers shall be, and they are hereby constituted, a body politic and corporate, by the name and style of Reelfoot Lake Turnpike and Bridge Company; and, together with those who may hereafter subscribe for or purchase stock, shall so continue, and may own, sell and buy property, real and personal, sue and be sued, plead and be impleaded, in their corporate name and character, and have, enjoy and possess all the rights, privileges and powers appertaining to bodies corporate and politic by law, and shall have succession for one hundred years. The subscribers, a majority of them in interest being present at the first meeting or at any subsequent meeting, shall elect five directors, who shall be stockholders, who shall elect one of their number president of the board of directors; and, thus chosen, shall continue in office one year, and until another board is elected and qualified. Said commissioners, or any two of them, are hereby authorized to open said books at any time and place or places a majority of them may direct. And after said first meeting, the president and directors, by themselves or agents, may open said books for the subscription of the remaining stock of said company, at such times and places as they may choose.

SEC. 24 That said company shall have the privilege of levying or bridging said lake, or, in the construction of said road, may levy part and bridge part as they may choose, so as to make a good safe turnpike road, from the top of the bluff on the east side of said lake, to the dry land (viz: land above overflow,) on the west side of said lake; and said levies, hollow bridges, and bridges constituting said road shall be constructed of the same dimensions and description, and completed in the same manner, prescribed for the same in the act herewith for the Obion river turnpike company; but said company, if in their judgment the public welfare and interest of the company shall demand it, may, and they are hereby authorized, in lieu of levies and bridges, to make and construct said road upon a floating bridge or floating bridges across said lake, or any portion thereof, in whole or in part, so that said company make and complete a safe and

convenient turnpike across said lake, of either of the descriptions aforesaid.

Tolls. Sec. 25. When said road is completed, there shall be one gate established thereon at such place as the company may select, and said company, in the name of the president and directors thereof, shall be entitled to demand and receive the following rates of toll, to wit: For each four-wheeled loaded wagon drawn by six or more horses, mules or oxen, two dollars, if empty, one dollar and fifty cents; if drawn by four or more horses, mules or oxen, loaded, one dollar and fifty cents, empty, one dollar; if drawn by two horses, mules or oxen, loaded, one dollar, empty, seventy five cents; each cart drawn by two or more horses, mules or yokes of oxen, loaded, one dollar, empty, seventy-five cents; if drawn by one horse, mule or yoke of oxen, loaded, seventy-five cents, empty, fifty cents; for each four-wheeled pleasure carriage and passengers drawn by two or more horses or mules, one dollar and fifty cents, empty, one dollar; if drawn by one horse or mule, one dollar, empty, seventy-five cents; for each two-wheeled pleasure carriage and passengers drawn by two or more horses or mules, one dollar, empty, seventy-five cents; if drawn by one horse or mule seventy-five cents, empty, fifty cents; and all other vehicles in like proportion; for each man and horse, thirty cents; each footman ten cents; for every horse, mule or ox not in a drove or employed in drawing a wagon or other vehicle fifteen cents, if in a drove ten cents; each head of cattle in a drove, five cents; each head of sheep or hogs in a drove, two and a half cents, and other animals in like proportion, and so in proportion for any greater or less number of animals.

Half Tolls. Sec. 26. That whenever said company shall cause said road to be so improved as to make it of the description of a first-class road as required by the laws of this State, and [establish] good, safe ferry boats as required by law, and so kept; then said company may demand and receive, as authorized by this act, tolls equal to one half of the tolls authorized in the 25th section of this act, to be received by said company when said road is completed. Said company may also extend said road to the Mississippi river at such point as they may think proper, whenever they may, by a majority of two-thirds of the stockholders, so determine, and whenever the same is so extended and completed in the same manner that the Obion river turnpike is required by its charter to be completed, said company may erect one toll gate thereon, and be

entitled to demand and receive thereat toll equal to one-half of the amount or rate of toll allowed at the gate on the Reelfoot lake turnpike road and bridge.

Sec. 27. That the said Reelfoot lake and bridge company shall have, possess, exercise and enjoy all the powers, privileges and immunities, given and granted to the "North Fork of Obion turnpike company," and be subject to the same liabilities and restrictions so far as consistent; and that the acts incorporating said "North Fork of Obion" and said "Obion river turnpike companies," be and the same are hereby constituted and made part of this act, except in cases otherwise herein provided for, or such provisions as are inconsistent with this act.

Sec. 28. That if the Reelfoot lake turnpike and bridge company shall not commence said road chartered by this act within four years, and complete the same within ten years from and after the passage of this act, the same shall be void: *Provided*, Said portion authorised to be extended to the Mississippi river, may be done at any time.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 5, 1850.

CHAPTER CCLXIV.

An Act to Incorporate the town of Chapel Hill, in the county of Marshall.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Chapel Hill, in the county of Marshall, and the inhabitants thereof be, and they are hereby constituted a body politic and corporate, by the name of the Mayor and Aldermen of the town of Chapel Hill, and shall have continued succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said town, and may have and use a town seal.

Sec. 2. That the corporation of the town of Chapel Hill, shall include the following lands, to wit: Beginning at the north-west corner of Cornelius Tyson's

garden, thence to the south-west corner of the lot on which the Methodist church is built, thence in an eastwardly direction so as to include the house occupied by C. H. Lavender, as a wagon-shop, to the south-east corner of E. A. Patton's lot, on James M. Wilson's west boundary line, thence north to a point due east of the beginning, thence to the beginning.

Elections. SEC. 3. That the constable in the eighth civil district in Marshall county, is hereby authorised, and it is made his duty to open and hold an election in said town of Chapel Hill, on the first Saturday in January next, after giving ten days' notice of such election by two or more advertisements, stuck up in said town, to elect five aldermen, and give to each a certificate of his election; and it shall be the duty of said Aldermen, on the Saturday following, to elect one of their body mayor; all of whom shall hold their offices for twelve months, and until their successors are elected and qualified; and, forever thereafter, an election shall be held by the constable of said district, on the first Saturday in January in each and every year.

Powers. SEC. 4. That the corporate authorities of the town of Chapel Hill shall have the same powers and privileges, and be under the same rules, regulations and restrictions as have been provided by an act of the General Assembly, passed on the 16th of December, 1837, chapter 55, entitled an act to incorporate the inhabitants of the town of Lewisburg, in the county of Marshall, except the election of a town constable and so much of said act as comes in conflict with this act.

Liberty Incorp. & sealed. SEC. 5. That the town of Liberty, in the county of DeKalb, and the inhabitants thereof be, and they are hereby constituted a body politic and corporate, by the the name of the Mayor and Aldermen of the town of Liberty, and shall have continued succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real and personal and mixed property, and dispose of the same for the benefit of said town, and may have and use a common seal.

SEC. 6. That said corporation shall have the same powers and privileges, and be under the same rules, regulations and restrictions, as have been provided by an act of the General Assembly, passed on the 16th of December, 1837, chapter 55, entitled an act to incorporate the inhabitants of the town of Lewisburg, in the county of Marshall, except so much of said act as comes in conflict with this act.

Sec. 7. That the boundaries of said corporation shall be as follows: Beginning on a sour-oak near Leonard Lamberson's well-spring, thence east to Smith's Fork, thence down said creek with its meanders to the mouth of the branch west of the Town Spring, thence west to a chinquepin-oak standing on the north side of the Liberty and Dismal creek road, thence south to the beginning: *Provided*, That this west boundary shall not include any of the land owned by Leonard Lamberson.

Sec. 8. That the board of mayor and aldermen of said town shall have power to sell any portion of the public ground within the corporation that will advance the interest of the citizens of said town, and the said board shall have power to make deeds thereto.

Sec. 9. That all laws heretofore passed incorporating said town of Liberty, be and the same are hereby repealed.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 17, 1850.

CHAPTER CCLXV.

An Act to incorporate the Nashville Savings' Institution.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That R. J. Meigs, Alexander Fall, H. A. Gleaves, A. B. Robertson, John H. Ewin, Joseph H. Shepherd, Williamson Horn, and Wm. A. Eichbaum, and all other person or persons, who shall become members of the Nashville Savings' Institution, in the manner hereinafter mentioned, shall be and are hereby created and made a body corporate by the name and style of "The Nashville Savings' Institution," and by that name shall have succession; and be capable in law to hold and dispose of property, to sue and be sued, plead and be impleaded, answer and defend, and be answered and defended, in courts of law and equity, or in any other place whatsoever, and to make and receive all deeds, transfers, contracts, covenants, conveyances, and grants whatsoever, and to make, have, and use a common seal, and the same to make and

renew at pleasure; and generally to do every act and thing necessary to carry into effect the provisions of this act, and promote the object and design of said corporation.

Elections.

Sec. 2. That there shall be a meeting of said corporation at such time as shall be appointed by any five of the persons named in the first section of this act, giving at least ten days notice in two newspapers, published in Nashville, and annually thereafter, on such days as the by-laws of the institution may provide, for the purpose of choosing from among their members eight directors to manage the affairs of said Institution for twelve months thereafter, and until a new election shall take place, and the judge of the first election shall be elected by the members present, and the judges of all subsequent elections, shall be appointed and notice of such elections given, in such manner as the by-laws shall provide.

Powers of Board.

Sec. 3. That the directors for the time being, or a majority of them, shall have power to elect a president from their own body; to appoint such officers, agents, and servants, as they deem necessary to conduct, or execute the business and affairs of the Institution; to fix their compensation; and in their discretion to dismiss them; to provide for the taking of bonds to the corporation, from all and any of the officers, agents or servants, by them so appointed, with surety conditioned, in such form as they shall prescribe, for the faithful execution of their several duties, and to secure the corporation from loss; to regulate the manner of making and receiving deposits; the form of certificates to be issued to depositors, and the manner of transferring the same; to provide for the investment of the funds of the corporation, in such manner as they shall deem most safe and beneficial; to provide for the admission of members, and furnishing proof of such admission; to provide for paying all necessary expenses, conducting the affairs of the corporation; and generally to pass all such by-laws as shall be necessary to the exercise of said powers, and of the others vested in said corporation by their charter, and the said by-laws from time to time, to alter and repeal; *Provided*, That all such by-laws as shall be made by the directors, may be altered or repealed by a majority of the members assembled at any annual meeting, or general meeting called in pursuance of any by-law made for that purpose; and a majority of the members may, at any annual or general meeting, pass by-laws which shall be binding on the directors; *Provided*, That such by-

laws shall not be contrary to the laws of the State, or of the United States.

SEC. 4. That the said corporation shall be capable of receiving from every free person or persons (on such terms as may be prescribed in the by-laws,) any deposit or deposits of money, and shall have the power of investing all monies so received in discounted paper, public stocks, or other securities at the discretion of the directors, and in the manner deemed by them most safe and beneficial, so that such investment be pursuant to the said by-laws and the provisions hereinafter mentioned.

SEC. 5. That it shall be the duty of the directors, at least once in every six months, to appoint from the members of said corporation, five competent persons as a committee of examination (any three of whom may act) whose duty it shall be to investigate the affairs of said corporation, and make and publish a report thereof in one or more newspapers printed in Nashville; and it shall be the duty of the directors, on some day in each and every year, to declare a dividend of the interest and profits of said corporation, after paying its expenses; and the same to pay over unto the depositors, or their legal representatives, within ten days thereafter, if demanded. Dividends.

SEC. 6. That this act shall be, and continue in force for and during the term of twenty years, from and after the passing thereof; *Provided*, That the Legislature shall have power to alter, change, amend, or repeal this charter.

SEC. 7. That the directors, and corporators shall be held in all respects responsible, and liable, for any culpable loss of money or monies deposited in said Savings' Institution. Liability of Directors.

SEC. 8. That L. H. Carney, Wm. Spencer, John Leiper, Robt. S. Currin, Charles Ready, E. A. Keeble, H. M. Burton, William D. Hicks, Wm. A. Read, John Jones, their associates and successors, be, and they are hereby created a body corporate and politic, by the name and style of the Murfreesboro' Savings Institution, with the same privileges, powers and exemptions, as are hereinbefore conferred on the Nashville Savings' Institution. Murfreesborough Savings Institution.

SEC. 9. That the word Murfreesboro' be substituted for the word Nashville, wherever it occurs, when necessary to apply the foregoing act to the Murfreesboro' Savings' Institution.

SEC. 10. That John B. Rodgers and his assigns are hereby incorporated with the same powers and privi- John B. Rodgers Incorporated.

leges granted to Bersheba Springs in the county of Warren, by the thirty-fourth (34) chapter of acts of 1839, passed on the 23d day of December.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 28, 1850.

CHAPTER CCLXVI.

An Act to amend the charter of the Nashville and Chattanooga Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the Nashville and Chattanooga Railroad Company is hereby so amended that it may be lawful for the city of Charleston in South Carolina, to appoint two of her citizens to represent her stock in said company as directors of the board of said company, with all the powers and privileges which belong to the other directors; and in like manner, the Georgia Railroad and Banking Company shall have the right to appoint one director to represent its stock; *Provided,* That eight of the directors shall hereafter as heretofore constitute a quorum for the transaction of business.

Piers of Bridge.

SEC. 2. *Be it further enacted,* That in the construction of a bridge across the Tennessee River, for the purpose of avoiding any interference with the navigation of said river, it shall be the duty of said company to build said bridge at least thirty feet above extreme high water mark between the two piers next to the western bank, or any two piers that the company may deem best, and the distance between the two so selected shall be at least one hundred and fifty feet, so as to afford free and safe passage for all size boats.

Branch roads.

SEC. 3. *Be it enacted,* That the Shelbyville branch and such other branches of the Nashville and Chattanooga road as may be made, shall have all the rights and privileges, and shall be placed in all respects on the same footing with the Nashville and Chattanooga road: *Provided,* That nothing in this act shall be so construed

as to diminish the liability of the stockholders of the company in any way.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed, January 19, 1850.

CHAPTER CCLXVII.

An Act to extend the Mobile and Ohio Rail Road from the Tennessee River through the State of Tennessee by Nashville in direction for the City of Cincinnati in the State of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the* *Incorporation*
State of Tennessee, That Dr. Taliaferro, Alex. Hardin and G. F. Benton, of the county of Hardin; A. G. McDougal, J. J. Biffle and R. A. Hill, of the county of Wayne; F. Buchanan, B. M. Moore, Richard H. Allen and T. D. Davenport, of the county of Lawrence; Thomas Martin of the county of Giles; Gideon J. Pillow and T. H. Cahal of the county of Maury; Robert C. Foster and John B. McEwen of the county of Williamson; Return J. Meigs, William N. Bilbo, West H. Humphreys, Neill S. Brown, Aaron V. Brown and John M. Bass, of the county of Davidson; Joseph C. Guild, Elijah Bodie and John J. White, of the county of Sumner, with such other persons as shall associate with them, are hereby constituted a body politic and corporate by the name of the Tennessee River, Nashville, and Cincinnati Rail Road Company, and by that name to sue and be sued, plead and be impleaded, in any court of this State, to make and have a common seal, and the same break, alter and renew at pleasure; and the said company are hereby authorized to construct and finally to complete a single or double railway from such a point on the Tennessee River as the Mobile and Ohio Railroad may touch or terminate at; or such point of the Memphis and Charleston Rail Road in the Western District of this State as they may select; thence in a northeasterly course through the State by the City of Nashville and Gallatin; and thence by the most approved direction for the City of Cincinnati in the State of Ohio.

SEC. 2. That said company is hereby invested for *Powers.*

the purpose of making said road with all the powers, rights and privileges, and subject to all the liabilities and restrictions as were conferred and imposed on the Mobile and Ohio Railroad company, in the extension of their road through the Western District of this State by an act passed the 28th January 1848.

Sec. 3. That it shall and may be lawful for the company hereby incorporated to negotiate with any other rail road company chartered by the States of Alabama, Kentucky or Ohio, who may desire to extend their road over any portion of the route herein designated, to release the rights herein conferred upon them either in whole or in part to such company or companies, and thereupon, such company or companies shall have the same rights, privileges and immunities in making said road, or any part of it on the route aforesaid as are herein conferred on the company herein incorporated, and be subject to the same limitations and restrictions:

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

CHAPTER CCLXVIII.

An Act to amend the Act of 1836, incorporating the Town of Dover.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the 3d section of the Act passed 15th February 1836, incorporating the Town of Dover, as requires that no person shall be eligible to the office of Alderman in said town, unless he shall have or own a freehold, be and the same is hereby repealed.

Sec. 2. *Be it enacted,* That hereafter, any person living in the boundaries of said corporation, who shall be a qualified voter, according to the laws of this State, shall be eligible to the office of Alderman.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, Feb. 1, 1850.

CHAPTER CCLXIX.

An Act to extend the jurisdiction of Justices of the Peace.

Be it enacted by the General Assembly of the State of Tennessee, That each of the Justices of the Peace in this State shall hereafter have and exercise jurisdiction over all debts and demands due on any speciality, note or agreement, signed by the party to be charged therewith, on which the judgment will not sound in damages, and over all settled accounts, signed by the parties, and on all endorsements of negotiable paper, when the demand and notice are expressly waived in the endorsement, when the amount claimed to be due on such specialty, note, agreement or account does not exceed five hundred dollars, and shall hear proof and give judgment thereon without the intervention of a jury, and award execution accordingly, subject nevertheless to the appeal of either party, as heretofore.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed, January 19, 1850.

CHAPTER CCLXX.

An Act to establish a Law School in the City of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the* ^{incorporation.} *State of Tennessee,* As follows: A School for instruction in the various branches of law, is hereby incorporated under the name and style of the "Law Department of the University of Nashville," by which name said Law Department shall be able and capable of suing and being sued, pleading and be impleaded, of taking and holding property, real and personal, for the purposes of its incorporation, and of disposing thereof; of having and using a common seal, and of altering the same at pleasure, and of doing all and singular such matters, acts and things as may tend to the advancement of the science of law.

SEC. 2. Said Law Department shall be governed by ^{Trustees.} nine Trustees, any five of whom shall be a quorum for

the transaction of ordinary business. Said Trustees may organize themselves for business in such manner, and under such officers separately or collectively with the other Departments of said University; and all questions of interest to said University shall be decided by a vote of majority of the whole Trustees of said Institution; and be governed by such by-laws as to them may seem, from time to time, meet and proper. And they shall continue their succession by appointments of their own, whenever any vacancy occurs in their number. The first nine Trustees shall be the following persons: Morgan W. Brown, William K. Turner, John N. Esselman, William G. Harding, J. J. B. Southall, George W. Martin, Frank McGavock, B. F. Foster and James Woods.

Faculty.

SEC. 3. The Faculty of said Law School shall consist of not less than two, nor more than five Professors, to be elected by a majority of two thirds of this Board of Trustees, and all vacancies to be filled in the same manner that the first appointments are made.

Meetings.

SEC. 4. The President of the Board of Trustees shall have power to call a meeting of the same whenever he; or any two of the Trustees, or a majority of the Faculty may desire it.

Degrees.

SEC. 5. The Faculty may grant such honors and degrees, as are granted by similar schools in the United States, and may give such testimonials and diplomas thereof, under the corporate seal and signatures of the Faculty and Trustees, as they may desire. And the said testimonials or diplomas shall entitle the graduates to all the privileges and immunities which, either by custom or by statute, are allowed to graduates of other law schools in the United States.

President.

SEC. 6. No member of the Faculty of said University, in any department, shall be President of the Board of Trustees; but they shall elect one of their number President of the Board.

Strawberry
Plains College.

SEC. 7. *Be it enacted.* That Creed Fulton, Francis A. Butler and John G. Winiford, of Strawberry Plains; Robert H. Hynds and James A. Thornton, of Jefferson county; Wesley Huffaker, of Sevier county; and William Moulden, Daniel Adams and Martin B. Carter, of Knox county, be and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of Strawberry Plains College, and by such name shall have all the powers, rights, privileges and immunities usually bestowed on such incorporated bodies; may sue and be sued, plead and be impleaded, answer

and be answered unto in any court of law or equity in this State; and may have a corporate seal.

SEC. 8. The Trustees shall have power to adopt a ^{Faculty.} constitution and by-laws for the government of the College; elect a President, Professors and Tutors; prescribe the number of the same, and to elect such other officers as they may deem necessary; and shall fix the compensation of such President, Professors, Tutors and other officers, as they may elect; and such President, Professors and Tutors, so elected, shall constitute the Faculty of said College.

SEC. 9. The Faculty so elected shall have full power ^{Powers of Faculty.} to prescribe the studies of the students in said College; to suspend, reprimand, dismiss or expel any student for any violation of the constitution or by-laws of said College. But any student suspended, dismissed or expelled, shall have the right of an appeal to the Board of Trustees.

SEC. 10. The Trustees shall hold two regular meetings in each year, at such times and places as they may specify in their by-laws.

SEC. 11. That if any vacancy or vacancies occur in the Board of Trustees by death, resignation or otherwise, such vacancy or vacancies may be filled by the Board of Trustees at any regular meeting, after the President shall first have given notice of such vacancy, by addressing a written communication to each of the Trustees at his nearest post office; and such notice shall be given at least twenty days prior to the next regular meeting of the Board of Trustees.

SEC. 12. That the President of the College shall be ^{President.} *ex-officio* a member of the Board of Trustees, President thereof, and shall have power to call a meeting of the board at any time, by giving such notice as may be prescribed in the by-laws, hereafter to be adopted by the Trustees of said College, at which meeting—a majority of the Board being present—they may transact any business which is authorized by this act to the Board of Trustees, at their regular meeting, except in filling a vacancy in the Board, which shall only be done as heretofore prescribed in this act.

SEC. 13. The Trustees may at any regular meeting ^{Powers of Trustees.} increase their number to fifteen, and shall have the power to declare vacant the seat of any member of the Board for sufficient reason; and may also dismiss any member of the faculty or other officer for good and sufficient reason. But such Trustee, President, Professor, Tutor or other officer shall have the right of a fair trial before such Board of Trustees before such dismissal shall be

had. The said Board of Trustees shall also have power to buy, receive, hold, possess, alien, dispose of and convey any property, real, personal or mixed, for the use and benefit of said Institution.

Degrees.

Sec. 14. The Faculty of said College, by and with the consent of the Board of Trustees, shall have power to confer any degrees, known and conferred by any College or University in this State, upon any students of said College, or upon any other person.

Further powers.

Sec. 15. The Board of Trustees, in addition to the powers heretofore granted to them, are hereby invested with all the powers necessary to accomplish the objects of this charter, and not contrary to the constitution and laws of this State; may at any regular meeting, alter or amend the constitution they may have adopted, provided two-thirds of the Board present shall agree thereto. May alter or amend the by-laws, a majority present agreeing thereto.

Strawberry
Plains Academy.

Sec. 16. The property, whether real, personal or mixed, now, and heretofore, belonging to the corporation of the "Strawberry Plains Academy," shall belong to and be subject to the disposal of the corporation of the Strawberry Plains College.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 6, 1850.

CHAPTER XV.—*Laws of 1835-6.*

An Act to incorporate a company to be called the Lebanon and Nashville Turnpike Company.

Commissioners
and powers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Andrew Jackson, senr. Joseph Clay, Stokley Donelson, H. L. Douglass, W. McMurray, Wm. P. Sims, Richard Buchanan, Thomas Hardin, James H. Foster, Edward D. Hicks, W. G. M. Campbell, Charles I. Love, H. R. W. Hill, Phillip Lindsley, W. G. Hardin and Foster G. Crutcher, of Davidson county; and James W. Haggard, M. A. Price, Paulding Anderson, Turner Vaughn, James Jones, Alfred McClain, Ramsey L. Mason, Joseph Johnson, George Williamson, John Hearn, Robert Hallum, Robert M. Burton, Sam-

uel O. McWharter, O. G. Finley, L. W. White, Stith Harrison, Isaac Golladay, of the county of Wilson, are hereby appointed commissioners, to open books for the purpose of receiving subscriptions to the amount of one hundred thousand dollars, to be applied to the purpose of making a turnpike road, from Nashville to Lebanon, which sum of one hundred thousand dollars, shall be divided into shares of fifty dollars each, and the subscription shall be in person or by attorney regularly authorized; but if a larger sum shall be necessary to build the road, the capital may be enlarged to one hundred and fifty thousand dollars; as soon as twenty-five thousand dollars shall be subscribed, a meeting of the stockholders shall be held at the house now occupied by Ramsey L. Mason, in the county of Wilson, of which meeting the managers of the subscription shall give thirty days notice, in some paper printed in Nashville and Lebanon. After which first meeting, the subscribers shall be and are hereby constituted a body politic and corporate, by the name of the Lebanon and Nashville Turnpike Company, and together with those who may afterwards subscribe for or purchase stock, shall so continue and may own, sell and buy property, sue and be sued, in their corporate name and character, and have, enjoy and possess all the rights, privileges and powers appertaining to bodies corporate and politic by law, and shall have succession for ninety-nine years. The subscribers or a majority of them being present at the first meeting, shall elect seven directors who shall be stockholders, who shall elect one of their number president of the board of directors, and the president and directors thus chosen shall continue in office two years, and until another election shall take place, to fill their places; of which election notice shall be given in some newspaper, printed in Nashville and Lebanon. The president and directors thus chosen, shall have power to open books, and receive subscription as they may think best, for the remainder of the said sum of one hundred thousand dollars, or an amount sufficient to construct said road; and by themselves or other suitable persons to be appointed by them, to view and mark out the road, the nearest and best route from Lebanon to Nashville, so as to intersect any of the streets of Nashville and Lebanon, or the turnpike road from Nashville to Murfreesborough; *Provided*, they can make a contract to that effect with the said company. They shall also make contracts for the opening and construction of said road; they may from time to time, require such advances on the shares subscribed, as the wants of

the company may require; *Provided*, that no call shall be made for more than five dollars on each share at any one time, of which twenty days notice shall be given in some newspaper, printed in Nashville and Lebanon. Said president and directors shall have power in all cases of emergency to call a meeting of the subscribers, or stockholders, by giving thirty days notice of the time and place in some newspaper printed in the places aforesaid; they may also appoint a clerk, treasurer, and such other officers as may be necessary, and transact all the business of said company. They may prescribe the duties and fix the pay of all the officers or agents.

SEC. 2. If any subscriber shall fail to pay any calls that are made by advertisement as aforesaid, his stock shall be sold for the amount of said call, and the purchaser shall have all the rights, and be subject to all the liabilities of the original owner; if the stock does not bring the amount, the owner shall be liable to be sued for the balance before any jurisdiction having cognizance thereof, and if it brings more than the call and cost, the overplus shall be paid over to the original owner.

Quorum for business.

SEC. 3. The president and directors or any five of them shall be sufficient to transact ordinary business; and all vacancies that shall happen in the board between the regular meetings of the shareholders, shall be supplied by the directors, two thirds of them being present.

Duty of Clerk.

SEC. 4. The clerk shall keep a regular journal of all the proceedings at the meeting, and enter the ayes and noes when called for by any director. He shall furnish to each subscriber a printed certificate signed by the president, and by him attested, of the number of shares held by each subscriber; such certificate may be transferred by an assignment attached to the same and witnessed by two persons, and the same being acknowledged by the vender, or proved before the board or clerk, shall vest in the vender all the rights, and subject him to all the liabilities of the original subscribers.

Transfers.

The road to be laid off.

SEC. 5. Immediately after the first meeting of the subscribers and the election of directors, the said directors or a majority of them, or such persons as they may appoint, shall proceed to mark out the most direct and fit route for said road; each director or other person engaged in marking out said road, shall be allowed two dollars to be paid by the company, for every day he may be necessarily engaged in performing that duty.

SEC. 6. If any person over whose land said road may

run, claims damages for the same, and he and the company cannot agree on the amount, he may apply to the circuit court at its next or any subsequent term, by petition, setting forth the nature of the case, and the court shall appoint a jury of five disinterested persons, to go upon the ground, and after being sworn by the sheriff, to assess the amount of damages which in their judgment, the petitioner has sustained, by the said road running through his or her land, or the land of his or her ward or wards in case of minors, which assessment of damages shall be made out and signed by the said jury, and returned to the next term of said court, and a judgment, shall be entered and execution issued for the same, against the said president and directors, in favor of the person entitled to the same. In making out their reports, the said jury shall take into view the advantages of said road to the petitioner. The property in the said road when completed, shall vest in the said company and their successors, for the purpose of a high way, which shall be free for all persons on the terms and conditions herein prescribed and the same shall not be liable to taxation.

SEC. 7. The president and directors may purchase for the use of the company, any quantity of land, not exceeding one hundred acres, adjacent to each toll gate, and take conveyances therefor, to themselves and their successors. And for the purpose of making said road, and keeping it in repair, the said president and directors, or their agents or servants, may cut, dig, quarry and take, from any land adjoining said road, such timber, gravel, stone or earth, as may be necessary for constructing and keeping said road in repair. If any person from whose land any timber may be taken, shall conceive himself injured, and the amount of damages cannot be agreed upon, between himself and the company, the matter shall be settled in the same manner, prescribed in the fifth section of this act.

SEC. 8. The said road shall be opened at least thirty feet wide, with sufficient ditches on each side to carry off the water, or drain the road. The surface of the road shall gradually descend from the centre to the ditches on each side; it shall be substantially gravelled or paved with stone, and have substantial and sufficient bridges wherever they are necessary, and in all respects shall be completed in a faithful and substantial turnpike road manner, in all respects equal to the turnpike road, now constructing from Nashville to Murfreesborough. And when the said road shall be thus finished for the distance of seven miles from Nashville or Lebanon, the presi-

Damage to land.

May purchase land for gates.

Description of road.

dent may apply to the Governor, who shall appoint three discreet and disinterested persons to view said road, and on the report of any two of them, that the road has been completed for the distance aforesaid, in the manner prescribed by this act, it shall be the duty of the Governor to issue his certificate under the seal of the State, authorizing the company to erect two toll gates, one not nearer than one mile of the limits of the corporation of Nashville or Lebanon, and the other not nearer than within five miles of the first, and to appoint a toll gatherer for each gate.

Rates of toll.

SEC. 9. The rate of toll to be taken at each gate shall be as follows, to wit: for every twenty head of sheep or hogs, twenty cents; for every twenty head of cattle, fifty cents; for every horse or mule not in a drove, nor employed in drawing a carriage or wagon, five cents, if in a drove two cents, and so in proportion for any greater or less number of said animals; for every four wheeled carriage, twenty-five cents; for every two wheeled riding carriage, twenty-five cents; for every loaded wagon, twenty-five cents; for every empty wagon twelve and a half cents; for every cart loaded twelve and a half cents, empty six and a fourth cents; for every hogshead of tobacco, not in a wagon or cart, drawn by horses, mules, or oxen twelve and a half cents; for every man and horse six and a fourth cents; which tolls shall be paid at each gate that may be set up under the provisions of this act; and they shall be applied as fast as they are received to the finishing of the residue of said road; and no dividends shall be declared till after said road is completed or all under contract; and so soon as said road shall be completed five miles from the second gate as herein directed, a similar application shall be made to the Governor, and the same proceedings had, as before directed; and so on for every five miles until said road shall be completed; *Provided*, there shall not be more than six gates between Nashville and Lebanon; *Provided*, also, that no gate shall be set up until all the road is under contract, or one hundred thousand dollars of the stock actually taken.

Penalty for refusing to pay toll.

SEC. 10. Should any person refuse to pay the toll hereby granted, at the time of offering to pass any gate, the toll gatherer may refuse a passage to such person or animal liable to toll, and if any person or thing liable to toll, shall pass without payment of toll, the toll gatherer may by warrant before any justice of the peace, recover from the owner or person liable for toll, five dollars for each offence.

SEC. 11. If said company should fail to keep said

road in repair at any time, for the space of twenty days,⁷ upon information thereof, to any justice of the peace of the county, he shall issue a warrant to some constable, commanding him to summon three freeholders, to meet at a certain time and place therein specified, five days notice having been given to the keeper of the next toll gate, or the president of the company, and if by said freeholders or any two of them in the presence of the justice, the said road shall be found out of repair, according to the intent and meaning of this act, the toll hereby granted shall cease to be demanded at the nearest gate, until said defective part of the road shall be put in good repair; the person intrusted with said repair thereof, shall be subject to a fine of ten dollars with cost, to be recovered before any justice of the peace, which fine shall go one half to him who will sue, and the other half to the county.

SEC. 12. If said company shall not begin the said road within two years from the passage of this act, and complete the same in seven years thereafter, in the manner herein directed, this charter shall be forfeited.

SEC. 13. The commissioners or persons reviewing and marking out said road, shall determine what elevation shall be allowed in the uneven parts thereof, and in no part shall more than three degrees be permitted. They shall designate the places where bridges are to be erected, and the kind thereof; they shall also, decide upon the depth and width of the rock pavement on said road, in the different parts thereof. They shall keep a written statement of all the foregoing matters and things, and preserve one copy thereof, and deliver the other to the company, and the said road shall be made to conform to the requisitions of the commissioners in every particular.

SEC. 14. The said company shall have power to make⁸ all such rules and regulations for their government, and the management and control of their affairs, as a majority of the stockholders or the president and directors may think proper; and the same shall be written in the books of the secretary, and be open to the inspection of all who may desire to see them; *Provided*, that rules made to affect others shall be published before they shall take effect.

SEC. 15. There shall be a meeting of the stockholders,⁹ at such point in the county of Wilson or Davidson, as may be agreed upon at the first meeting, on the first Saturday in July, every two years. At which meeting directors shall be elected for the next two years, and such other measures adopted for the promotion of the

interests of the corporation, as a majority present may think best. In the election of directors or any other question, every share shall entitle the holder to one vote; but, members may vote by proxy, under such regulations as may be established by the company. If members holding a majority of the shares attend, they shall be competent to do business, but a less number shall not. Directors shall continue in office two years, and until successors are appointed. The directors shall render a fair and full account of their proceedings, and the disbursement and receipt of money to each of the general meetings. A fair and full record of all the proceedings of the president and directors shall be kept, and shall be free for the inspection of any shareholder at any time it may be desired. The time and place of meeting of the president and directors, shall be fixed and regulated by themselves.

Stock paid for in
work.

SEC. 16. *Be it enacted*, That any person or persons, who may become subscribers for stock in said road, may be permitted to discharge the whole or any part thereof, in work and labor on said road, in building the same upon such terms, and in such way as may be agreed upon by such subscriber or subscribers, and the president and directors; *Provided*, that such stockholder will construct any particular portion of said road on as good terms as any other person, in which case a stockholder shall have a preference over any other person in a contract, to construct any portion of said road which he may select.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JONATHAN WEBSTER,

Speaker of the Senate.

Passed, February 12th, 1836.

CHAPTER LXXXIV.—*Laws of 1835-6.*

An Act to incorporate the inhabitants of the town of Clinton, in the county of Anderson.

Clinton incorpo-
rated.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Clinton, in the county of Anderson, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name of the Mayor and Aldermen of the town of Clin-

ton, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold, real, mixed, and personal property, or dispose of the same for the benefit of said town, and have and use a common seal.

SEC. 2. *Be it enacted*, That the corporation aforesaid, ^{Corporate power.} shall have full power and authority to enact and pass all laws and ordinances necessary to suppress vice and immorality, to preserve the health of the town, to prevent and remove nuisances, to establish night watches and patrols, to ascertain the boundary and location of streets, lots and alleys, to provide for licensing and regulating auctions, to restrain and prohibit gaming, to provide for licensing, regulating or restraining theatrical and other public amusements within said town, to pave and keep in repair the streets, to establish necessary inspections, to erect and regulate markets, to appoint a recorder and constable, to license and regulate a fire company, to lay and collect taxes, to regulate and restrain tippling houses, to impose and appropriate fines and forfeitures, and to pass all other laws necessary and proper for the good government of said town, and regulating the police thereof; *Provided*, they are not incompatible with the constitution and laws of this State.

SEC. 3. *Be it enacted*, That the laws and ordinances of said town shall not be obligatory on the persons of said town, being citizens of the State, unless in cases of intentional violations of laws or ordinances previously promulgated. ^{Law how far binding.}

SEC. 4. *Be it enacted*, That all fines and forfeitures imposed by the by-laws and ordinances of the corporation shall be sued for and recovered in the name of the corporation and for the use of said town, before any jurisdiction having cognizance thereof. ^{Fines may be sued for.}

SEC. 5. *Be it enacted*, That the sheriff of Anderson county shall hold an election at the court house in Clinton on the first Saturday in August, 1836; and on the same Saturday in each and every year thereafter, for the purpose of electing seven persons to serve as aldermen of the corporation of said town of Clinton for the term of one year, commencing on the first Saturday in August in each and every year; and all persons owning a freehold in said town, and also all persons residing in said town who would be qualified to vote for members of the General Assembly, shall be qualified to vote at said election for aldermen, and no person shall be eligible to the appointment of aldermen unless he be a citizen of the said town of Clinton. ^{Sheriff to hold election for aldermen.}

Organisation of
Board of Alder-
men.

SEC. 6. *Be it enacted*, That the seven persons qualified as aforesaid, having the highest number of votes at any election, held as aforesaid, shall be taken to be duly elected, and the sheriff of said county of Anderson shall, within three days thereafter certify the same to the recorder of the corporation, who shall thereupon summon said aldermen to meet at the court house in said town, on the Saturday succeeding the day of their election; and the said aldermen shall there meet as aforesaid, and any number not less than five shall be a quorum; and they shall proceed to elect by ballot one of their own members to be mayor of said corporation, for the same term for which the aldermen were elected as aforesaid; and whenever any mayor of said corporation shall die, remove out of said town, or resign, another election shall be held by the aldermen, in manner aforesaid, of another person for the time then unexpired, until the next general election of aldermen; and whenever any aldermen shall die, remove or resign, such vacancy may be filled up by the mayor and aldermen of said town at any regular meeting, and the person or persons by them appointed shall serve until the next election.

Failure of sheriff
to hold elec-
tions.

SEC. 7. *Be it enacted*, That if the sheriff of Anderson county shall at any time hereafter fail or refuse to open and hold an election as aforesaid, he shall forfeit and pay one hundred dollars to the corporation of the town of Clinton, to be recovered by action of debt before any jurisdiction having cognizance thereof, for the use of said corporation; and in case the said sheriff of Anderson county shall fail or neglect to hold said election, at the time and place specified by this act, it shall and may be lawful for him to hold said election, for the purpose aforesaid, on any succeeding Saturday in the same, and the same shall be as effectual as though the same had been opened and held on the day herein before specified.

When law takes
effect.

SEC. 8. *Be it enacted*, That this act shall take effect from and after the last day of July, 1836.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JONATHAN WEBSTER,

Speaker of the Senate.

Passed, December 28, 1835.

CHAPTER CCV—*Acts of 1829-30.*

An Act to incorporate a company called the Franklin Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Randal M'Gavock, John Watson, James Swanson, Laurence Bryan, Joseph Wood, Robert B. Currey, Henry R. W. Hill, Robert Weakley, William Hadley, Christopher E. McEwen, John C. McLeMore, and Philip Pipkin, be, and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of seventy-five thousand dollars, to be applied to making a turnpike road from Nashville, in Davidson county, to Franklin, in Williamson county; which sum of seventy-five thousand dollars, shall be divided into shares of twenty-five dollars each, and the subscription shall be in person or by attorney, and as soon as five thousand dollars shall be subscribed, a meeting of the subscribers shall be held at Franklin, of which meeting the managers of the subscription shall give thirty days notice, in some newspaper printed in Nashville and Franklin, and the said subscribers, from and after the first meeting, shall be, and they are hereby constituted a body politic and corporate, by the name of the Franklin turnpike company, and shall so continue, and as such, may sue and be sued, plead and be impleaded, answer and be answered, sell, and purchase, and have a common seal. The subscribers or a majority of them who shall be present at the first meeting, shall elect seven directors, being shareholders, who shall elect one of their body President of the board of directors, and the President and Directors thus chosen shall continue in office one year, and until another election shall take place. The President and Directors thus chosen, shall have power to receive subscriptions for the residue of the seventy-five thousand dollars, until the whole sum shall be subscribed for, and to make contracts with any person for opening, clearing, and marking said road, along the route which shall have been marked out by commissioners hereinafter appointed, and for performing such other work thereon, as they may think proper and necessary, and to require from time to time of the subscribers, such advances on the respective shares, as the wants of said company may require and demand, until the whole subscription shall be advanced; *Provided*, that no call shall be made for more than five dollars at one time on each share, of which thirty

Commissioners appointed to open books of subscription—Company incorporated—Directors to be elected

days notice shall be given in some newspaper printed in Nashville and Franklin; said Directors shall have power upon all emergencies, to call a general meeting of the subscribers, giving thirty days notice in a newspaper printed in Nashville and Franklin, to appoint a treasurer, clerk, and such other officers as may be necessary, to sign and settle all accounts, and to transact all the business of said company during intervals between the general meetings.

Where subscribers fail to pay the calls.

SEC. 2. *Be it enacted*, That if any subscriber shall fail to pay the sum of five dollars on each share, within thirty days after the same shall have been advertised as required in the first section, it shall be lawful for the President and Directors, to sell at auction, and convey to the purchaser the share or shares of such subscriber thus failing or refusing to pay, and after retaining the sum due, with cost of sale, to pay over the surplus to the former owner of such share or shares; and if the sales shall not produce the sums to be advanced, with interest and incidental charges, in that case it shall be lawful for the company to recover the balance of the original proprietor, on motion before the county or circuit court, where such delinquent resides, ten days previous notice thereof being given, or by warrant before any Justice of the Peace, where the sum does not exceed fifty dollars, and all persons purchasing under the sale of the President and Directors, shall be subject to the same rules, regulations, restrictions, and penalties as are the original proprietors.

Directors to fill vacancies—Duty of the clerk.

SEC. 3. *Be it enacted*, That the President and Directors, or any five of them, shall be sufficient to transact ordinary business, and all vacancies which shall happen in the office of President or Directors between the regular meeting of the shareholders, shall be supplied by the Directors, two-thirds of the whole number being present. The clerk shall keep a regular journal of all the proceedings had, and motions made at the several meetings, and each Director shall be at liberty to call for the yeas and nays upon any question, and it shall moreover be the duty of the President and Directors to furnish printed certificates, stating the number of shares held by each subscriber, which certificate shall be transferable by deed, which shall be recorded in a book kept by said company, acknowledged by the vendor or proved by two witnesses, which assignment thus recorded, shall to all intents and purposes constitute the assignee a member of said company, subject to all the rules and regulations thereof.

SEC. 4. *Be it enacted*, That Joseph Wood, Robert B.

Currey, Randal McGavock, and John Watson, be, and they are hereby appointed commissioners, who, or a majority of whom shall be, and they are hereby authorized and required to proceed forthwith, after the first meeting of said company, to mark out the most direct and fit route for the said road, and each of the said commissioners shall be allowed the sum of two dollars for each day that he shall be necessarily engaged in performing the duty hereby prescribed, to be paid by the President and Directors out of the funds of the company.

SEC. 5. *Be it enacted*, That it shall be lawful for any person or persons, in the event said company and the person or persons over whose land said road shall run, cannot agree and settle between themselves the damages sustained, if any, at any time within one year after said road shall have been opened, to apply to the court of the county in which the land lies, to award a writ of *ad quod damnum* to ascertain the damages which he, she, or they may have sustained from said road, which said writ shall be directed to the sheriff of said county, commanding him to summons and impanel a jury of twelve disinterested freeholders, to meet upon the premises, who being sworn for that purpose, shall view the land, over which said road runs, and assess the damages sustained by reason of said road passing through the same, which inquest, so made and signed by the jurors, shall be, by the sheriff or his deputy returned to the next county court to be holden in said county, in which said land lies, which court shall upon the return, enter up judgment against said company for the damages so assessed upon motion; *Provided*, ten days notice shall be given to the President of said company, of the intended application for the writ of *ad quod damnum*, and upon satisfaction being made by said company in pursuance of said judgment, or amicable adjustment, it shall be the duty of the owner of the land, to execute a deed to said company, and their successors, for said land, over which said road passes.

SEC. 6. *Be it enacted*, That it shall be lawful for the President and Directors, to purchase for the use of the company, any quantity of land, not exceeding five acres, adjacent to each toll gate, that shall be established upon said road, and take conveyance therefor, to and for said company: and for the purpose of making said road and keeping it in repair, the President and Directors, and their agents, may cut, dig, quarry and take from any land adjoining said road, such, and so

Commissioners
to mark off the
road.

Of damages
caused by the
road to land
through which it
runs.

Power and au-
thority of the
President and Di-
rectors.

much timber, gravel, stone, or earth as may be necessary, and if any person or persons, from whose land such timber, stone, gravel, or earth shall have been cut, dug, quarried or taken, shall desire compensation therefor, and the same cannot be amicably settled and paid for by said company, he, she, or they, may apply to any Justice of the Peace, of the county where said land may lie, five days notice of the time and place having been previously given the said President and Directors, to appoint three disinterested freeholders, to ascertain the value of such timber, gravel, stone, or earth, who upon ascertaining the value, after having been duly sworn, either on their personal view, or from testimony, shall grant a certificate thereof, to either party if required, and it shall be lawful for such person to sue for, and recover of said company, the value so assessed or ascertained, before any court having jurisdiction thereof.

Annual meeting of shareholders—elections—construction of the road—rates of toll.

SEC. 7. *Be it enacted*, That an annual meeting of the shareholders shall be held at such place in the county of Davidson, or Williamson, on the first Monday of January in each and every year, as a majority of the subscribers, assembled as aforesaid shall direct, to constitute which meeting the presence of proprietors holding at least three hundred shares, shall be necessary, and if a sufficient number do not attend on that day, such proprietors as do attend, may adjourn from day to day, until a meeting may be had. In counting votes each member shall be allowed one vote for each share as far as ten shares, and one vote for every five shares above ten, held by him at the time in said company. The directors shall render fair and distinct accounts of their proceedings, and of all disbursements of money, to each annual meeting of the subscribers, previous to the election of directors by said meeting for the ensuing year. The said road shall be opened at least thirty feet wide, with sufficient ditches on each side at all times to carry off the water, and drain the same, shall gradually descend from the middle to the side ditches; shall be substantially graveled or paved; shall have substantial and sufficient bridges where necessary: and in all respects shall be completed in a faithful and substantial turnpike road manner; and when the said road shall be thus finished and completed for the distance of at least seven miles from the town of Nashville, or Franklin, the president and directors may apply to the Governor of the State for the time being, whose duty it shall be to appoint three discreet and disinterested persons, not being stockholders, to view and examine

said road, and on the report of said viewers, or any two of them, that the road has been finished and completed, for the distance aforesaid, according to the true intent of this act, it shall be the duty of the Governor to issue his certificate or warrant under the seal of the State, authorizing the president and directors, to erect two toll gates, one within two miles of said town of Nashville, or Franklin, as the case may be, and the other within five miles of said first gate, and to appoint as many toll gatherers to collect the tolls, hereinafter allowed, which tolls are hereby declared to be as follows, to wit: for every twenty head of sheep, ten cents; for every twenty head of hogs, ten cents; for every twenty head of horned or neat cattle, twenty-five cents; for every horse or mule not employed in drawing a carriage, three cents; and so in proportion for any larger or lesser number of the above mentioned animals; for every four wheel carriage, twenty-five cents; for every two wheel riding carriage, twelve and one half cents; for every loaded wagon, twenty-five cents; and for empty wagon twelve and one half cents; and for man and horse, six and a fourth cents; for every cart, twelve and half cents; for every hoghead of tobacco, six and one fourth cents; including the above sum for every oxen, mule or horse drawing the said carriage, wagon or cart of tobacco; the tolls when received shall be applied by the president and directors to finishing and completing the residue of said road; and so soon as said road shall be completed five miles further, as herein before directed, a similar application shall be made to the Governor, upon which proceedings shall be had as before directed, and so on for every five miles until said road shall be finished and completed, according to the true intent of this act. And as soon as said road shall be finished and completed as aforesaid, a majority of the stockholders may and shall order the nett profits from the tolls hereby granted, to be divided half yearly among the proprietors of said company, in proportion to their respective shares; and should any person refuse to pay the toll hereby granted at the time of offering to pass, the toll gatherers may lawfully refuse a passage to such person, or thing liable to toll as aforesaid, and if any article or thing liable for toll, shall by any ways pass without payment thereof, on demand made and refusal to pay, the toll gatherers may by warrant from any justice of the peace of this State, recover from the owner or person in possession of such article or thing subject to toll, five dollars for each offence.

SEC. 8. *Be it enacted,* That if said company shall fail to keep said road in repair for the space of twenty days, upon information thereof given to any justice of the peace in the county, he shall issue a warrant to some constable commanding him to summons three freeholders to meet at a certain time and place specified in said warrant, five days notice having been given the person interested with, and in the repair of that part of the road, and if by said freeholders, or any two of them in the presence of the justice, the said road shall be found out of repair, according to the intent and meaning of this act, the toll hereby granted shall cease to be demanded at the nearest gate, until such defective part of said road shall be put in good repair; and the person entrusted with the repair thereof, shall be subject to a fine of ten dollars with costs, to be recovered before any justice of the peace, who is hereby required to take into view all the circumstances of the case, which fine if recovered shall be applied, one moiety to the use of him who sues, and the other to the county where the same was sued for.

Where the road is kept out of repair.

SEC. 9. *Be it enacted,* That if said company shall not begin the said work within two years after said company shall have been formed, or shall not have completed the said road within seven years thereafter in the manner herein directed, then, and in that case all the right and interest in said road and toll hereby vested in said company, shall forever cease and be forfeited.

Work to be begun in two and completed in seven years.

SEC. 10. *Be it enacted,* That there shall not be a greater number than one toll gate fixed at, and for every five miles on said road, except those near the town of Nashville, and Franklin, none of which shall be nearer than two miles of said town, and the tolls given by this act, shall be collected at each gate upon said road.

Number of toll gates.

SEC. 11. *Be it enacted,* That the commissioners when they view and mark out said road, shall determine what elevation shall be allowed in making said road, in different uneven parts thereof, and in no part shall more than five degrees be permitted, they shall designate the place where bridges are to be erected, and the kind thereof; they shall also decide upon the depth and width of the rock pavements on said road, and different parts thereof; they shall make a written statement of all the foregoing matters and things, and shall preserve one copy thereof, and deliver another to said company, and the said road shall be made to conform

to the requisitions of said commissioners in the foregoing particulars.

SEC. 12. *Be it enacted*, That nothing in this act, shall be so construed as to authorize the said company to erect more than four toll gates between Nashville and Franklin. How toll gates allowed.

SEC. 13. *Be it enacted*, That all roads except on the ground where the turnpike may pass, now in use between Nashville and Franklin, shall be continued as heretofore, unless the county courts in the county through which they may pass shall order them or either of them to be discontinued. Of other roads between Nashville and Franklin.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.

JOEL WALKER,
Speaker of the Senate.

December 31, 1828.

CHAPTER CLXIX—Acts of 1831–32.

An Act to explain and amend an act entitled "an Act to incorporate a company called the Franklin Turnpike Company, and for other purposes."
Passed December 31, 1829.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said company shall be and are hereby authorized and empowered to erect four toll gates on said road, to wit: the toll gate nearest the town of Nashville to be erected at the turn of said road around the lower point of a rocky hill nearly opposite to the late dwelling house of Joseph W. Horton in his plantation, being about a mile and a quarter from broad street, in the town of Nashville, that the toll gate nearest Franklin as specified in said act, shall be at least two miles from the town of Franklin, and the other two gates shall be fixed at such places between the two above mentioned gates, as Maj. Thomas Edmonson, the superintendent of said road shall designate, and who shall designate and fix the cite for the toll gate next the town of Franklin. Number and location of toll gates.

SEC. 2. *Be it enacted*, That instead of seventy-five thousand dollars, as specified in the 1st section of said act, subscriptions may be received to the amount of ninety thousand dollars. Capital stock enlarged.

SEC. 3. *Be it enacted*, That so much of the first section of the aforesaid act, as requires the subscribers to Number of directors.

the stock of said company to elect seven directors, be and the same is hereby repealed; and in lieu thereof, the said subscribers shall elect nine directors under the same stipulations, provisions, and duties as are required in the above recited act.

REGULATIONS AND BY-LAWS. SEC. 4. *Be it enacted*, That the said board of directors shall have power to ordain, establish, alter or amend such regulations or by-laws as they may think expedient, (not inconsistent with the laws and constitution of this State, or of the United States, or of the articles of incorporation) for the government of said company, its officers, servants, and affairs, and for the preservation of said road and the prevention of injury thereto, with the power of imposing fines and penalties for the violation of said regulations or by-laws—recoverable forthwith upon information and proof before any Justice of the Peace of the county in which said violations of said regulations or by-laws may have taken place—the by-laws or regulations above alluded to must be enacted *when at least two-thirds of the directors are present.*

REPEALING CLAUSE. SEC. 5. *Be it enacted*, That so much of said act, as comes within the meaning and purview of this act, shall be and the same is hereby repealed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 13, 1831.

CHAPTER C.—*Laws of 1832.*

An Act to amend an act entitled, "An Act to incorporate a company, called the Franklin Turnpike Company, and for other purposes," passed December 31, 1829.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever said company shall have covered said road the whole distance between Nashville and Franklin, with a sufficient depth of rock, according to the McAdam plan, to admit of travel thereon, then, in that case, it may be lawful for said company to erect the gates and receive the tolls, which, by the law heretofore passed, the said company would have been authorized to erect and receive, upon the completion of said road; provided, that said road, be

completed according to the provisions of the act, which this is intended to amend, within one year from the passage of this act.

Whereas, it is doubtful, agreeably to the sixth section of said act, to what extent the authority of the President and Directors may be exercised in cutting and digging materials to construct and repair said road, for explanation whereof,

SEC. 4 *Be it enacted*, That their authority shall extend to the cutting, digging, quarrying or taking from, the nearest materials, whether of wood, stone or gravel, to repair said road after being finished; and shall not extend to passing over only the nearest materials as aforesaid, if they can be made to answer, and take that which is farther off, because it will answer somewhat better, without leave of the owner of the soil.

Authority to use materials for road.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed October 20, 1832.

CHAPTER CCLXXI.

An Act to defray the expenses of the General Assembly, with the Report of the Committee on Finance annexed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue to each member of the Senate and House of Representatives a warrant for the sum stated to be due to each in the annexed report of the Committee on Finance.

SEC. 2. *Be it enacted*, That the Comptroller issue to the officers of the Senate and House of Representatives warrants for the following sums due them for services rendered, viz:

To William I. I. Morrow, eight hundred and four dollars, for one hundred and thirty-four days service as principal clerk of the Senate.

To J. Maury Harris, seven hundred and ninety-two dollars, for one hundred and thirty-two days service as engrossing clerk of the Senate.

To F. H. Bratcher, six hundred and thirty dollars, for one hundred and five days service as second assistant clerk of the Senate.

To Alexander Matthews, five hundred and twenty-eight dollars, for one hundred and thirty-two days service as doorkeeper to the Senate, and six dollars paid by said Matthews to for hauling water for the use of the General Assembly, and one dollar for soap furnished the Senate.

To Ramond B. Sloan, one hundred and sixty-two dollars and fifty cents, for one hundred and thirty days service, as messenger to the Senate.

To A. C. Norvell eighteen dollars, for three days service, as clerk, while the Senate was being organized:

To Leeland Davis, twenty dollars, for three days service as doorkeeper, while the Senate was being organized.

To E. G. Eastman, eight hundred and four dollars for one hundred and thirty-four days service as principal clerk of the House of Representatives.

To Jacob Miller, eight hundred and four dollars, for one hundred and thirty four days service as engrossing clerk of the House of Representatives.

To Wm. C. Carr, seven hundred and ninety-eight dollars for one hundred and thirty-three days service as second assistant clerk of the House of Representatives.

To John Wallace, five hundred and twenty-eight dollars, for one hundred and thirty-two days service as principal doorkeeper to the House of Representatives, and five dollars paid by said Wallace to for hauling water for the use of the House of Representatives.

To Elijah Butler, five hundred and twenty-eight dollars, for one hundred and thirty-two days service as assistant doorkeeper to the House of Representatives, and four dollars for hauling water.

To Stokeley D. Mitchell, six dollars, for one days service as clerk, while the House of Representatives was being organized.

To T. C. Ramsey, twelve dollars for four days service as doorkeeper, while the House of Representatives was being organized.

SEC. 3. *Be it enacted*, That the Comptroller issue to John F. Henry, Speaker of the Senate, his warrant for one hundred and thirty-four dollars, for one hundred and thirty-four days service of Thompson, a free boy, in sweeping and keeping the Senate chamber in order.

SEC. 4. That the Comptroller issue his warrant to Charles W. Smith, for three hundred and eighty-five dollars and ninety cents, for stationery, furnished for the use of the Senate.

SEC. 5. That the Comptroller issue his warrant to W.

T. Berry, for seven hundred and seventy-two dollars, for stationery, furnished for the use of the House of Representatives.

SEC. 6. That the Comptroller of the Treasury examine the accounts of Messrs. Watterson & McKennie, public printers, for job printing done for the use of the General Assembly, and issue his warrant for the same according to the rates specified by law, and that the Treasurer pay the same out of any money in the Treasury not otherwise appropriated.

SEC. 7. That the principal clerks of the Senate and House of Representatives, shall remain a sufficient time after the adjournment, to file the papers of the two Houses properly in the office of the Secretary of State, and to close their business before they shall be allowed to draw their compensation. That the clerks of the Senate and House of Representatives, be allowed each thirty cents per page, for copying the unfinished Journal, and that the Comptroller issue his warrant for the same; and that the Comptroller issue his warrant to **W. I. I. Morrow**, for fifty dollars for clerk hire, in consequence of sickness of the clerks of the Senate.

SEC. 8. That the Secretary of State, cause the Acts and Journals of the present General Assembly to be distributed; and that in doing so, he make the best contract practicable for the interest of the State; and that the Comptroller issue his warrant upon the certificate of the Secretary of State, for the sum or sums required for said service.

SEC. 9. *Be it enacted*, That the Comptroller issue to **John F. Henry**, Speaker of the Senate, his warrant for six dollars and ninety cents, for postage paid by him on public documents.

SEC. 10. *Be it enacted*, That the Comptroller issue his warrant to **L. C. Haynes**, Speaker of the House of Representatives, for two hundred and one dollars, for one hundred and thirty-four days service of **Wm. Faulkner**, a free man of color, in attending on the House of Representatives; and also for two dollars, for the services of said boy in washing towels and other extra services during the session; and also two dollars and fifty cents for postage on public documents.

SEC. 11. *Be it enacted*, That the Comptroller issue and pay to the several publishers of the city newspapers, for papers furnished for the use of the General Assembly and laid upon the table of each member every morning of this session, including the tri-weekly Whig furnished three times per week, at the current subscription price of the same.

SEC. 12. *Be it enacted,* That the Comptroller issue his warrant to the principal clerks of the Senate and House of Representatives, for seventy-five dollars for preparing index to House journal, and fifty dollars for preparing [index to the] journals of the Senate, of the present session of the Legislature.

SEC. 13. *Be it enacted,* That the Secretary of State cause one copy of the Acts and Journals of each House of the General Assembly to be bound for each member of both Houses and the principal clerks thereof, in the same manner and distributed with the acts and journals mentioned in the 8th section of this act.

SEC. 14. That the Comptroller issue his warrant to R. B. Sloan, for horse hire in going after witnesses, three dollars and fifty cents.

SEC. 15. That the Comptroller issue his warrant to M. L. Dougherty, for eleven dollars, for making desk and other work in the Senate chamber.

SEC. 16. That the Comptroller issue his warrant to Elijah Butler, for seven dollars and fifty cents, for coal furnished the House of Representatives.

SEC. 17. That the Comptroller issue his warrant to Geo. W. Beale, for six dollars, for one days service as assistant clerk in organizing the House of Representatives.

SEC. 18. That the Comptroller issue his warrant for the amount of cost of Books, that may be purchased by the Secretary of State under House resolution No. 161, upon his certificate that such Books have been purchased as directed.

SEC. 19. That the Comptroller issue his warrant to Charles O. Faxon, for one hundred and eight dollars, for twenty-seven days services as clerk to the committee on Banks of House of Representatives.

SEC. 20. *Be it enacted,* That the Comptroller issue his warrant to Maxey, McClure & Co., for the sum of seventeen dollars and thirty-eight cents, for repairs on stoves and pipes and spittoons, for the use of the halls for the Legislature in 1847 and 1849.

SEC. 21. *Be it enacted,* That the Comptroller issue his warrant to N. B. Akin, Sheriff of Lewis county, for sixteen dollars and seventy-one cents, amount of commission due him on settlement for 1847.

SEC. 22. That the sum of five thousand dollars per year, for the next two years, be and the same is hereby appropriated out of the revenue arising from Merchants license in the city of Memphis, to the support of the Memphis Hospital, and the clerk of the county court of Shelby county, is hereby directed to pay the

same over to the trustees of said Institution, and their receipt shall be a good voucher for him in his settlement with the Comptroller of the Treasury.

That if the Congress of the United States shall make adequate provisions for the support of said Hospital, then the appropriation here made shall cease, and the said revenue be paid into the Treasury.

SEC. 23. *Be it enacted*, That the Comptroller audit the account of Abram Greer, upon the affidavit of the said Greer, for wood furnished for Legislative Halls, at three dollars and forty cents per cord, the price contracted to be paid; *Provided*, the sum already advanced on said account shall be deducted from the same.

SEC. 24. *Be it enacted*, That the sum of fifty dollars be, and the same is hereby appropriated to W. B. A. Ramsey, Secretary of State, to be paid out of the Treasury, for services rendered by him under the provisions of the 7th section of an act passed February 7th, 1842, ch. 132.

REPORT

Of the Committee on Finance, showing the mileage and per diem allowance of the members of the Senate and House of Representatives at the regular session of the twenty-eighth General Assembly, and the aggregate amount of each.

SENATORS.

Names of Members.	No. of Days.	Per diem allowance.	Miles traveled	Amount of Mileage.	Total amount
R. W. H. Bostick,	134	\$536	38	6 08	542 08
Thomas M. Brashier,	"	"	180	28 80	564 80
James Britton,	"	"	550	88 00	624 00
Geo. W. Fisher,	"	"	480	76 80	612 80
Samuel M. Fite,	"	"	100	16 00	552 00
E. L. Gardenhire,	"	"	200	32 00	568 00
James W. Gillespie,	"	"	270	43 20	579 20
James Hamilton,	"	"	46	7 36	543 36
W. S. S. Harris,	"	"	320	51 20	587 20
M. R. Hill,	"	"	280	44 80	580 80
H. S. Kimble,	"	"	90	14 40	550 40
Gayle H. Kyle,	"	"	300	48 00	584 00
John Laws,	"	"	98	15 68	551 68
John McDaniel,	"	"	150	24 00	560 00
A. Northcut,	"	"	180	28 80	564 80
Samuel Pickins,	"	"	440	70 40	606 40
Thomas Shaw,	"	"	190	30 40	566 40
M. Thornburg,	"	"	448	71 68	607 68
Abram Tipton,	"	"	636	101 76	637 76
William Tunnell,	"	"	360	57 60	593 60
James Walker,	"	"	208	47 36	583 36
John W. Whitfield,	"	"	110	17 60	553 60
R. A. L. Wilkes,	"	"	100	16 00	552 00
F. K. Zollicoffer,	"	"			536 00
John F. Henry, <i>Speaker</i> ,	"	804	400	64 00	868 00

HOUSE OF REPRESENTATIVES.

Names of Members.	No. of Days.	Per diem allowance.	Miles traveled.	Amount of Mileage.	Total amount
Nathan Adams,	134	\$536	140	22 40	558 40
Sylvester Adams,	"	"	110	17 60	553 60
Jacob Adeock,	"	"	106	16 96	552 96
B. S. Allen,	"	"	212	33 92	569 92
R. D. Allison,	"	"	100	16 00	552 00
J. D. C. Atkins,	"	"	220	35 20	571 20
H. H. Barham,	"	"	164	26 24	562 24
H. R. Bate,	"	"	400	64 00	600 00
Wm. B. Bate,	"	"	68	10 88	546 88
Wm. Benham,	"	"	210	33 60	569 60
Wm. M. Biggs,	"	"	320	51 20	587 20
John Blair,	"	"	600	96 00	632 00
Geo. W. Buchanan,	"	"	110	17 60	553 60
Thomas Buford,	"	"	120	19 20	555 20
John W. Burton,	"	"	60	9 60	545 60
James Butler,	"	"	80	12 80	548 80
A. M. Campbell,	"	"	400	64 00	600 00
M. Carriger,	"	"	480	76 80	612 80
M. J. Clay,	"	"	280	44 80	580 80
Edmond Cooper,	"	"	110	17 60	553 60
James R. Copeland,	"	"	216	34 56	570 56
George D. Crosthwait,	"	"	60	9 60	545 60
Joseph Cummins,	"	"	180	28 80	564 80
Wilson Duggan,	"	"	475	76 00	612 00
Thomas Foster,	"	"	220	35 20	571 20
George Gantt,	"	"	80	12 80	548 80
Wm. Galbreath,	"	"	456	72 96	608 96
George A. Harrell,	"	"	120	19 20	555 20
John M. Havron,	"	"	228	36 48	572 48
Wm. Heiskell,	"	"	342	59 92	595 92
Joel Hembree,	"	"	320	51 20	587 20
Samuel C. Henry,	"	"	320	51 20	587 20
P. Holloman,	"	"	290	46 40	582 40
Alexander Jackson,	"	"	300	48 00	584 00
Wm. R. Kenner,	"	"	150	24 00	560 00
George Kenney,	"	"	532	85 12	621 12
Russell Lane,	"	"	320	51 10	597 20
Geo. E. Maney,	"	"			536 00
Haden March,	"	"	174	27 84	563 84
J. W. McClanahan,	"	"	100	16 00	562 00

HOUSE OF REPRESENTATIVES.

Names of Members.	No. of Days.	Per diem allowance.	Miles traveled.	Amount of Mileage.	Total amount.
Saml. McGee,	134	\$536	150	24 00	560 00
Wm. F. McGregor,	"	"	108	17 28	553 28
David McAmy,	"	"	400	64 00	600 00
R. C. McRee,	"	"	300	48 00	584 00
J. H. Meeks,	"	"	282	45 12	581 12
Wm. A. Moody,	"	"	100	16 00	552 00
Saml. B. Moore,	"	"	110	17 60	553 60
Zadoc Motlow,	"	"	140	22 40	558 40
H. P. Murphy,	"	"	678	108 48	644 48
C. W. Nance,	"	"	"	"	536 00
J. J. Neely,	"	"	340	54 40	590 40
Geo. H. Nixon,	"	"	150	24 00	560 00
James Odell,	"	"	640	102 40	638 40
J. B. Palmer,	"	"	60	9 60	545 60
Jo. Parsons,	"	"	400	64 00	600 00
P. G. S. Perkins,	"	"	38	6 08	542 08
John Phillips,	"	"	420	67 20	603 20
E. Polk,	"	"	340	54 40	590 40
Saml. Powell,	"	"	542	86 72	622 72
J. E. R. Ray,	"	"	260	41 60	577 60
J. A. Rogers,	"	"	350	56 00	592 60
G. D. Searcy,	"	"	480	76 80	612 80
S. W. Senter,	"	"	500	80 00	616 00
J. M. Shcid,	"	"	150	24 00	560 00
A. G. Shrewsbury,	"	"	250	40 00	576 00
Daniel Smith,	"	"	232	37 12	573 12
E. S. Smith,	"	"	80	12 80	548 80
Thomas Snodgrass,	"	"	176	28 16	564 16
William B. Stokes,	"	"	116	18 56	554 56
William J. Strayhorn,	"	"	108	17 28	553 28
Elijah Thompson,	"	"	48	7 48	543 48
J. C. Tipton,	"	"	300	48 00	584 00
H. Valentine,	"	"	160	25 60	561 60
Willie Woodward,	"	"	50	8 00	544 00
L. C. Haynes, <i>Speaker</i> ,	"	804	616	98 68	902 68

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed Feb. 9, 1850.

RESOLUTIONS AND MEMORIALS.

NUMBER I.

Memorial of the General Assembly of the State of Tennessee to the Congress of the United States.

Your memorialists would respectfully represent, that the city of Memphis offers a most eligible site for the location and erection of a United States Marine Hospital, and that the same is greatly needed at that place, situated on the bank of the Mississippi river, midway between St. Louis and New Orleans, and Louisville and New Orleans, and immediately upon the line of travel and trade of the Mississippi valley. The great States of Ohio, Kentucky, Illinois, Indiana, Missouri, Tennessee and Western Virginia send their products by Memphis to search a foreign market. Emigrants from Europe, seeking a permanent home in our Western land, arrive in large numbers at New Orleans, and thence proceed by hundreds and thousands, passing Memphis to such point as they may have selected for settlement. Your attention is directed to the fact that this city is about three days travel by steamboats from New Orleans, St. Louis, Louisville and Nashville, that the traveler who may chance to be visited with the billious complaints of the North or the epidemics of the extreme South, seldom recognizes seriously the existence of disease, until he has advanced two or three days' travel on his journey, and this brings him to Memphis. If he be poor, accidentally without means, or afflicted with any violent disease, a stranger among a strange people, he must of necessity be thrown upon some public provision for the sick. Thus for a number of years past the State has found it necessary to make appropriations of money for the annual support of a

hospital at Memphis, and, although these appropriations have been liberal, and far beyond the wants of the citizens of this State, yet they have fallen short of answering the urgent demands of the worn down, penniless and diseased travelers, who are daily thrown into the city for relief. No discrimination has been made; foreigners and citizens of other States have at all times been received, frequently to the exclusion (for the want of proper means) of our own citizens. Numbers have been thrown upon the charity and humanity of the citizens of Memphis, and the city has thus been taxed for objects of humanity which are properly national; taxed for the sick emigrant, the sick stranger from any and every quarter of the Union; and this tax she has not only suffered, but cheerfully imposed upon herself.

Your Memorialists would respectfully represent, that it is not just, right or equitable, that a single State, or a community within a State, however prosperous in its commercial activity, and rapidly increasing numbers, should be left unaided, to perform the offices of charity and humanity to the immense throng of native citizens, and emigrant strangers, amounting, to probably seven or eight hundred thousand, who annually pass their doors. The State and the city have voluntarily assumed the burden, and have cheerfully discharged the self-imposed obligation; citizens from every State in the Union have claimed and yet daily claim our humane offices. And as every State has its citizens on the Mississippi river, and as each State is morally bound to make provision for their destitute, your memorialists cannot doubt that any member of your honorable bodies would refuse to order the provision of national succor at a point so useful and accessible to the citizens of every State, and the vast number of European emigrants. We, therefore, ask the location and erection of a United States Marine Hospital at the city of Memphis. The present rapidly increasing population of the city, commands the first order of medical talent. The location at that place of the national works, which demand the fostering care of the government, especially indicate it as an eligible and important point for the location and erection of the Hospital asked for.

Resolved by the General Assembly of the State of Tennessee, That His Excellency, the Governor, be requested to furnish our Senators and members of the House of Representatives in the Congress of the United

States, with the foregoing memorial, and that they be requested to give the same their early attention.

Resolved, That our Senators and Representatives in Congress, be requested to solicit the aid of the General Government, for the purpose of establishing a Marine Hospital on Cumberland river, immediately below the city of Nashville, for the reception of invalids and persons afflicted with contagious diseases, under the usual regulations governing Marine Hospitals in the United States.

LANDON C. HAYNES,

Speaker of the House of Representatives,

JOHN F. HENRY,

Speaker of the Senate.

Passed February 9, 1850.

NUMBER II.

A Resolution directory to the Comptroller for the benefit of the heirs of Saml. Frazier deceased.

WHEREAS, By an act of the General Assembly of the State of Tennessee, passed on the 29th day of January, 1814, entitled an act "to amend the charter of the Pelham and Jasper Turnpike Company," it was made the duty of the attorney general of the 3rd judicial circuit, to make full inquiry into the conduct and affairs of said turnpike company, and if upon strict examination he should be of opinion that the said company had been guilty of misconduct, or in any way acted fraudulently, that said attorney general should be required to file a bill in chancery, in any of the chancery courts, against said company, and an account taken, and, if proper, have the charter of said road declared forfeited; and *Whereas*, Samued Frazier was at that time attorney general for the 3rd judicial circuit, and did, under the provisions of said act of Assembly, inquire into the conduct of said company by calling upon the officers of said company for books, papers and other written evidences, and collecting such other proof as he could, and upon examination of such facts as were disclosed, did file a bill against said company in the chancery court held at Pikeville, in the county of Bledsoe and State of Tennessee; and *whereas*, the said Frazier was at great expense and trouble in collecting such information, and drafting, and preparing said bill, and

prosecuting the same, until his death, which took place some six or eight months after said bill was filed; and *whereas*, no consideration was fixed by said act of Assembly, for the services of said officer, and he never received any compensation in his life-time, nor have his administrators, since his death, for said services; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller issue his warrant to the Treasurer of this State, in favor of the widow of said Samuel Frazier, Mrs. Ruth Frazier, to her own separate use, for the sum of one hundred dollars, as compensation for the services rendered in the drafting, preparing and prosecuting said bill.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted December 13, 1849.

NUMBER III.

A Resolution directory to the Comptroller of the Treasury.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller issue his warrant to James D. Bradley, for the sum of twenty dollars, which said amount was paid into the Treasury, by mistake, over and above what was due from him as clerk of the county court of Carter county, in the year 1847.

Resolved, that the Comptroller of the Treasury issue his warrant to John C. Claiborne, for twenty-eight dollars and ninety cents, his costs as clerk and master of the chancery court at Trenton, in the case of James M. Brewer against the Bank of the State of Tennessee, and Robt. P. Curran, superintendent of public instruction.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted February 11, 1850.

NUMBER IV.

Resolution requiring the Governor to appoint some suitable person to select a specimen of Marble, for the Washington Monument.

WHEREAS, The commissioners of the great Washington Monument, at Washington City, have suggested the propriety of each of the States of this great confederacy placing within said monument some slab of marble or other memento with the proper inscription or insignia to characterize it; therefore,

Resolved by the General Assembly of the State of Tennessee, That the Governor of the State of Tennessee, be and he is hereby required to appoint some suitable person to select from the finest specimens of marble in the State, a slab with the name of the State and any other inscription, deemed prudent, and have it placed within said monument.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted December 13, 1849.

NUMBER V.

Resolution for the relief of Joseph W. Carter.

Resolved by the General Assembly of the State of Tennessee, That the presiding Judge of the thirteenth judicial circuit in this State, be authorized to make to Joseph W. Carter Esq., the Attorney General for said circuit, such an allowance as he may think just and proper, for the services rendered by him in a suit of ejectment, of the State against Martin and others, for the recovery of a tract of school land in the county of Warren; to be paid out of the proceeds of the tract of school land recovered, and that the commissioners for said tract of school land be required to pay said allowance, when made, to said Carter, or to his order.

LANDON C. HAYNES,

Speaker of the House of Representatives,

JOHN F. HENRY,

Speaker of the Senate.

Passed January 31, 1850.

NUMBER VI.

Proposed Amendments of the Constitution of the State.

Proposed amendments of the Constitution of the State of Tennessee to be acted on by the present General Assembly, in the manner prescribed in the eleventh article and third section thereof of the Constitution of the State.

The third section of the sixth article of the Constitution shall be so amended as to read as follows:

SEC. 3. The judges of the supreme court, shall be elected by the qualified voters of the State at large, and the judges of such inferior courts as the legislature may establish, shall be elected by the qualified voters residing within the bounds of any district or circuit to which such inferior judge or judges, either of law or equity, may be assigned, by ballot in the same manner that members to the General Assembly are elected. Courts may be established to be holden by justices of the peace. Judges of the supreme court shall be thirty-five years of age, and shall be elected for the term of eight years.

The fifth section of the sixth article of the Constitution shall be so amended as to read as follows:

SEC. 5. An attorney general for the State, shall be elected by the qualified voters of the State at large, and the attorney for the State for any circuit or district to which a judge of an inferior court may be assigned, shall be elected by the qualified voters within the bounds of such circuit or district in the same manner that members to the General Assembly are elected, all said attorneys, both for the States and circuits or districts, shall hold their offices for the term of six years. In all cases where an attorney for any district, fails or refuses to attend and prosecute according to law the court shall have power to appoint an attorney, *pro tempore*.

SCHEDULE TO AMENDMENTS.

SECTION. 1. And that no inconvenience may arise from the proposed amendments, should the same be adopted by the people, it is declared that all judges of the courts and attorneys, contemplated in the proposed amendments, shall continue to hold their offices and exercise the duties and functions thereof, according to the true existing laws and constitution, until the election of their successors by the people to be held and

made under a law to be passed by the General Assembly next elected after the ratification of the proposed amendments by the people, which law shall prescribe the times and places of holding said election, and which shall be passed without delay and in strict pursuance of said amendments: *Provided*, The legislature shall appoint a day for holding the election of judges and attorneys general separate and apart from the days already prescribed or hereafter to be prescribed by the legislature for holding the elections for State and county officers.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted February 1, 1850.

NUMBER VII.

Resolution requiring the Comptroller to issue a second warrant to, and the Treasurer to pay, Burton L. Stovall, Trustee of Obion county, eight hundred and twenty dollars and seventy cents, the Common School Fund for 1849.

WHEREAS, It appears to this General Assembly, by an official statement, herewith filed, that on the 28th day of July, 1849, B. H. Sheppard, Comptroller of the Treasury, issued his warrant, No. 10,905, for eight hundred and twenty dollars seventy cents, to Burton L. Stovall, Trustee of Obion county, for the school fund due that county, for the year 1849, and mailed the same to the address of said trustee, Troy, Tennessee; and *whereas*, it appears from the affidavit of said Stovall, herewith filed, that said warrant came to his hands and possession, and has by him been lost or mislaid, so that the same has never been paid to said Stovall, or any other person for him, or by his consent or procurement, and that said loss or mislay is wholly accidental; therefore,

Resolved by the General Assembly of the State of Tennessee, That the Treasurer of the State pay to Burton L. Stovall, Trustee of Obion county, the said sum of eight hundred and twenty dollars, seventy cents, the common school fund due said county, for the year 1849, and for which the comptroller is directed and required to issue a second warrant, after the Bank of Tennessee shall notify every one of its branches not to take in or to pay said lost warrant, No. 10,905; and

after it shall receive information from said branches, and shall communicate to the comptroller that said last warrant has not been received or paid: *Provided*, Said Stovall shall file with the comptroller his affidavit, setting forth the facts, and agreeing, as near as his recollection and information will authorise him to do, with the preamble to this resolution.

LANDON C. HAYNES.

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted December 10, 1849.

NUMBER VIII.

Resolution directory to the Comptroller of the Treasury.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be authorized to refund to J. Howard the commissions forfeited by said Howard, as sheriff and tax collector of Sevier county, for the years 1843, and 1844, amounting in the aggregate to the sum of seventy dollars seventy-four cents.

Resolved, That seventy dollars and seventy-one cents, commissions forfeited by L. P. Seay, as sheriff of Gibson county, under the act aforesaid, on taxes collected for 1844, and seventy-five dollars eighty-two cents, commissions forfeited by him as sheriff aforesaid, on taxes of said county, collected for 1846, and seventy-seven dollars, eighty-one cents, commission forfeited by him, as sheriff aforesaid, on taxes of said county, for 1847, be, and the same are hereby, refunded to the said L. P. Seay, no loss on costs or unreasonable delay having accrued to the State on account of said revenue; and the comptroller is hereby directed to issue his warrant in favor of the said L. P. Seay for the same.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted January 17, 1850.

NUMBER IX.

A resolution requiring the printing of the act incorporating the town of Clinton, in Anderson county, to be printed with the acts of the present session of the legislature.

WHEREAS, An act, passed 28th December, 1835, incorporating the town of Clinton, in Anderson county, and said act remains on file in the office of the Secretary of State, and has not yet been published in the printed acts of the General Assembly, *and whereas*, a bill is now pending to amend said act of incorporation: therefore

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State furnish a copy of said act of incorporation, and the same be published in the acts of the present General Assembly.

Resolved, That an act, passed 31st December, 1829, chap. 205, incorporating the Franklin Turnpike Company, and such other subsequent acts of the General Assembly, as may have amended the same, be published with the acts of the present General Assembly in the volume containing the same.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, January 28, 1850.

NUMBER X.

Resolution directory to the Treasurer of the State, requiring him to pay, on the warrant of the Comptroller, certain monies therein named, to Robert L. Smith.

WHEREAS, On the 2nd June, 1848, F. K. Zollicoffer, Comptroller of the Treasury, issued his warrant in favor of E. B. Harrel, of Shelby county, for the payment, out of the Treasury, of ninety-five dollars and eighty-seven cents, cost of prosecution, vs. Wm. G. Jamison, and mailed said warrant to Robert L. Smith, at Raleigh, Tenn., with an endorsement on its margin, that said Smith was authorized to draw the money on the same; *and whereas*, said warrant was soon thereafter lost or mislaid, by said Robert L. Smith, before an opportunity was offered of drawing the money on the same: therefore.

Resolved by the General Assembly of the State of Tennessee, That upon the said E. B. Harrel and Robert

L. Smith making and filing their affidavits with the Comptroller of the Treasury, that they are not able to find said warrant, and that they have not and will not receive payment upon the same, the said comptroller shall issue another warrant for the same sum in favor of Robert L. Smith, and that the treasurer of the State shall pay upon such warrant the said sum of ninety-five dollars and eighty-seven cents, to said Smith; *Provided*, that the Bank of Tennessee shall first notify all its branches not to pay, or take in said last warrant No. 9833.

LANDON C. HAYNES.

Speaker of the House of Representatives,

JOHN F. HENRY,

Speaker of the Senate.

Adopted October 12, 1849.

NUMBER XI.

A Resolution to alter the fourth section of the tenth article of the Constitution of the State of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the 4th section of the 10th article of the Constitution of the State of Tennessee be so altered that a new county may be formed out of a portion of the territory now composing the counties of Haywood, Madison, Gibson, and Dyer, the line of which shall not run nearer than ten miles of Dyersburg and Jackson; and that a new county may be formed out of a portion of the territory now composing the counties of McNairy and Hardeman; and that a new county may be formed out of that portion of Obion county that lies west of Reelfoot lake, on the Mississippi river; and that a new county may be formed out of fractions of the counties of Washington, Sullivan, Hawkins, and Green, by the name of the county of Powell; and that a new county may be formed out of a portion of the territory now composing the counties of Marion and Bledsoe: which new counties may consist of less than three hundred and fifty square miles, and the lines of said new counties may run nearer than twelve miles to the county seats of said old counties; and said old counties may be reduced below six hundred and twenty-five square miles.

Be it further resolved, That a new county may be formed out of the south-west portion of Wayne county, and the south-east portion of Hardin county, and that said new county may consist of less than three hundred and fifty square miles. And that the county of Lewis formed of the fraction of Maury, Lawrence, Wayne, and Hickman, by an act, passed on the 21st of December, 1843, chap. 38, entitled an act, to establish the county of Lewis, shall be declared a constitutional county, and may consist of less than three hundred and fifty square miles; *Provided*, A majority of the qualified voters in said county shall agree thereto by a popular vote; *Provided*, It shall not reduce the counties of Maury, Lawrence, Hickman, and Wayne below their constitutional limits.

LANDON C. HAYNES.

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 7, 1850.

NUMBER XII.

Resolution directory to the Secretary of State, to distribute to certain officers of this State, a copy of Caruthers and Nicholson's Revised Statutes of the State of Tennessee, Nicholson's Supplement, and the acts of 1847-8, and the present session.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be directed to purchase one hundred copies of Nicholson's Supplement, and to furnish to each justice of the peace and any other officer of the State entitled thereto, who has not been supplied, one copy each of Nicholson's Supplement, one copy each of Caruthers and Nicholson's Revisal of the laws of this State, one copy of the acts of 1847-8, and that the Secretary of State be directed to contract for the distribution of the same in such manner as shall be most to the interest of the State, and that the same be distributed and furnished said officers at the same time the acts and journals of the present session are distributed; *Provided*, said books can be obtained at usual cost.

Resolved, That it shall be the duty of the above mentioned officers, when going out of office, to hand over to the county court clerks of their respective counties the copies in their hands and that it shall be

the duty of the county court clerks of the different counties in this State, when said copies are wanted, to certify to the said Secretary the number of such deficiency.

LONDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Adopted February 2, 1850.

NUMBER XIII.

Resolved by the General Assembly of the State of Tennessee, That the chief source of happiness and prosperity of the people of the United States, both as individuals and as a nation, has been conferred by and through the union of the States and the adoption of our sacred Constitution, the adoption of which was effected by the compromises and concessions of our patriotic sires, both of the North and South; And

Resolved further, That the continuation of that happiness and prosperity, and even liberty itself, depends upon the perpetuity of the Union, one and indivisible; that the destruction of liberty in our own beloved land will not confine its effect to the borders of the home of Washington, but it would sound the death knell of liberal government in every part of the civilized world.

Resolved further, That the patriotic people of the State of Tennessee, deprecating the sad effects of a disunion of these States to themselves, to their children and the world, and also feeling a sacred regard to the memory and services of their revolutionary fathers, will stand by and defend the Union at all hazards and to the last extremity; and that the only method by which the Union can be preserved in its original purity, so as to secure to the several States their constitutional rights, is by resisting, at all hazards and to the last extremity, any and all attempts to violate the spirit and intent of its provisions.

LONDON C. HAYNES,
Speaker of the House of Representatives.
 JOHN F. HENRY,
Speaker of the Senate.

Passed February 11, 1850.

NUMBER XIV.

RESOLUTION.

WHEREAS, There is now a private company organized in East Tennessee, under the name of the East Tennessee Consolidated Mining Company, which company have, at considerable expense, brought from England a body of practical miners, with a skillful assayer and meteorologist; and many applications have been made to said assayer, by the good people of East Tennessee, for assays and information in general, touching mines and minerals, and it is important that the information collected should be made public: Be it, therefore,

Resolved, That Joseph Estabrook, James Gillespie, and J. G. M. Ramsey be, and they are hereby requested to superintend the operations of said assayer, receive from him a report of the same, and communicate the result to the next General Assembly, with such observations and recommendations as may in their judgment tend to develop the mineral resources of the State, and to aid in intelligent legislation in reference to the same.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed February 6, 1850.

NUMBER XV.

A preamble and resolution to appoint Legrand M. Jones, of Carroll county an agent to sell certain lands for the State, &c.

WHEREAS, By the third section of a preamble and resolution, passed by the legislature, on the 28th day of January, 1846, James A. N. Mussay, of the county of Carroll, was appointed the trustee and agent of the State, to receive from the trustee of the old bank of Nashville, the title to certain lands therein specified, and to sell the same for the best price he could obtain, on a credit of one, two and three years, at equal annual instalments, &c. *And whereas*, The said James A. N. Mussay has removed from the State of Tennessee, and become an inhabitant of the State of Texas, thereby vacating said appoint-

ment of agent and trustee as aforesaid, and *whereas*, the said Mussay has sold a fraction of said lands on the terms specified in said resolutions, and many of the notes taken by him for the same remain unpaid: Therefore,

Resolved by the General Assembly of the State of Tennessee, That Legrand M. Jones, of the county of Carroll, be and he is hereby appointed the trustee and agent of the State to fill the vacancy occasioned by the removal of the said Mussay as aforesaid, and he is hereby invested with all the powers, and subject to the same restrictions imposed by said resolutions upon the said Mussay, and he is hereby entitled to have the same emoluments that was allowed the said Mussay by the authority aforesaid.

2. *Resolved*, That the said Jones, before entering upon the discharge of the duties of said trust, shall execute his bond, in the sum of twenty thousand dollars, with approved security; said bond to be executed in all respects as by the requirements of the aforesaid resolutions the said Mussay was required to do.

3. *Resolved*, That the said Jones be and he is hereby required to make a settlement with the said Mussay, or his agents, in which he shall state an account of all the lands sold by the said Mussay, the prices obtained for the same, how much has been paid, and what amount yet remains due and unpaid. That the said Jones take into his possession all the unpaid notes, and proceed to collect and pay over the same as by said resolutions it was made the duty of said Mussay to do. That upon all sums remaining uncollected by said Mussay, the said Jones may first retain the usual per cent. charged by attorneys for collecting debts of like description and character, as full compensation for his services, and secondly to pay to the said Mussay, the amount due him for his services in selling the same, and the remainder pay into the treasury as aforesaid; and also that he be required to report a full statement of said settlement to the comptroller of the treasury at as early a day as practicable.

4. *Resolved*, That the said Jones is also authorized to ascertain how much money the said Mussay may have paid out for the regulation of deeds and taxes on the lands, and also for the redemption of such of the lands as had been sold for taxes, and that he refund the same to the said Mussay out of any money he may collect as agent aforesaid, and the receipt of the said Mussay shall be a good voucher in his hands on a settlement with the comptroller: *Provided*, That nothing contained in this resolution shall be so construed as to release the said J.

A. N. Mussay, or his securities, from any liability said Mussay may have incurred.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted January 29, 1850.

NUMBER XVI.

Resolution for the relief of the securities of John Scanland, former Sheriff of Jackson County.

Resolved by the General Assembly of the State of Tennessee, That when the securities of John Scanland, sheriff and revenue collector for Jackson county, for the years 1842 and 1843, shall have paid into the treasury of the State, the balance of the principal due for the State revenue for said years, they shall be and are hereby released and discharged from all further liability on account of said revenue or interest thereon, and the comptroller and treasurer are directed to settle with said securities according to the provisions of this resolution; *Provided,* That nothing herein contained shall be construed to release said John Scanland from any liability on account of said revenue.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted January 31, 1850.

NUMBER XVII.

Resolution to encourage the Mechanics of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the commissioners superintending the erection of the State capital or other public buildings under the State control, shall be required, in employing operatives upon or about said State capital or other public build-

ings, to engage such alone as may have been citizens of this State for a term of twelve months next preceding their said engagement, when the same can be done by them with equal skill and upon equal terms, as those from other States; *Provided*, That this resolution shall not apply to men actually in their employ, but only to mechanics hereafter to be employed.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted November 12, 1849.

NUMBER XVIII.

A Resolution appropriating fifteen hundred dollars for the erection of a Monument at Lawrenceburg.

WHEREAS, The patriotic citizens of this State have, by private contribution, caused to be erected, a suitable monument to the memory of the citizen soldiers of Tennessee, who gave their lives a willing sacrifice for their country's honor, in the late war with Mexico, at a cost of twenty-five hundred dollars, with suitable inscription thereon, and whereas, about one thousand dollars of said contribution have been collected: Therefore,

Resolved, That the sum of fifteen hundred dollars be, and the same is hereby appropriated out of the treasury, not otherwise appropriated, for the purpose of completing the payment for the erection of said monument, and that the comptroller issue his warrant to Thos. D. Davenport, Solon E. Rose, Frank Buchanan and William P. Rowles, monumental commissioners at Lawrenceburg, and that they pay said money out for the erection of said monument, and that they be required to take receipts for all sums so paid by them, and that they report to the next General Assembly of this State.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted January 7, 1850.

NUMBER XIX.

A Memorial of the General Assembly of the State of Tennessee, in behalf of the surviving officers and soldiers of the war of 1812.

Resolved by the General Assembly of the State of Tennessee, That this General Assembly calling to mind the distinguished and patriotic services of the officers and soldiers of the war of 1812, and that they are now rapidly descending into the "sear and yellow leaf" of life, many of them poor, and believing that they are justly entitled to such support, as will free the evening of their lives from care and want, we hereby instruct our Senators and request our Representatives in Congress, to use their best efforts to procure the passage of a law conformable to the sentiments herein expressed:

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted February 8, 1850.

NUMBER XX.

Resolution calling upon the East Tennessee and Georgia Railroad Company for information.

Resolved, That a committee of five, on the part of the House, be appointed to act in concert with such committee as may be appointed on the part of the Senate with instructions to inquire:

1st. How much stock was paid in by individual Stockholders, and in what paid, whether in money, labor, or damages for the right of way, and how much was paid in by the State, under the act of 1837.

2nd. What is the value of the work done on the road, under the old charter, compared with its nominal value, and if the nominal and real value of the work done are not the same? What is the difference and the reasons for it.

3rd. What is the contract with Duff Green? What is he to get for building the road, and how much stock of the company was he to take as part of the consideration for the building the road, if any, and whether this was not reported, as so much paid in by private subscription, upon which an equal amount of State

bonds issued and what amount of State bonds have issued, under the new charter, and that said committee be authorized and required to extend their investigations to whatever they may think the interest of the State may demand, notwithstanding the terms of this resolution may not require it, the object being to have a full, fair and thorough expose of all the affairs of said company, and that said committee report the result of their deliberations, at as early a day as practicable, and for the purposes aforesaid, that said committee have power to send for persons and papers, with power to compel their attendance.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted November 9, 1849.

NUMBER XXI.

A resolution directory to the Comptroller of the Treasury.

Resolved by the General Assembl of the State of Tennessee, That the Comptroller of the Treasury be and he is hereby required, at as early a date as practicable, to report to this General Assembly the amount of revenue collected from Sheriffs, Tax-collectors and Clerks, in each of the three divisions of the State, and from all other legitimate sources, the amount of bonds issued to each division for Internal Improvements, the amounts appropriated to rivers in each division; the amounts of Common School monies and Academy funds distributed to each division, the pay of members and officers of the General Assembly, including the mileage of members in each division, the amounts paid to Judges of the different Courts in each division as near as can be ascertained, and all other subjects embraced in the collection of revenue and its disbursements in each division, including costs in criminal prosecutions, &c., showing also the amounts of dividends received from works of Internal Improvement in each division; embracing the whole period from the amended Constitution up to the present time:—and that the Comptroller report the amount of appropriations and public monies of the State expended in each division thereof; for the period aforesaid, for charitable and benevolent institutions,

public works and buildings, salaries of Governors and other public officers, public printing and other expenses of legislative sessions, and all other public monies of the State disbursed in either division thereof, and the amount of receipts into the Treasury for the period aforesaid, from each division, from all sources.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, December 10, 1849.

NUMBER XXII.

A Resolution for the relief of Henry W. McCorry.

Whereas, There are arrearages of accounts due under the existing laws to Henry W. McCorry, which have not been heretofore claimed for storing the arms of the 4th Military division of the State of Tennessee, at Jackson, as directed by the act of January 1840, chap. 56; *and whereas*, the Major General of said 4th division has for a long time been absent, and the facts connected with such account may not be within the personal knowledge of the successors of the present incumbent soon to be elected, therefore to facilitate the proper settlement of this just claim,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be directed to audit the claims of said H. W. McCorry for storing and taking care of the public arms at Jackson, authenticated by the certificate of the Major General of said fourth division, and that the said Major General be authorized and directed to take such testimony as may be necessary to satisfy him of the validity and correctness of said account.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, January 23, 1850.

NUMBER XXIII.

Resolution requiring the printing of the charter of the Lebanon and Nashville turnpike company in the acts of the present session of the General Assembly.

Whereas, The Lebanon and Nashville turnpike company, was chartered on the 12th February, 1836, and it being one amongst the first chartered in the State of Tennessee; *and whereas*, various charters for turnpikes have been granted since referring to said Lebanon and Nashville company, claiming all the privileges and subject to all the restrictions of said charter. Therefore,

Resolved by the General Assembly of the State of Tennessee, That the charter of the said Lebanon and Nashville turnpike company, which is now in manuscript, on file in the office of the Secretary of State, be and the same is hereby ordered to be printed and bound in the acts of the present session of the General Assembly.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, November.26, 1849.

NUMBER XXIV.

Resolution for the relief of Thos. B. Meade.

Resolved by the General Assembly of the State of Tennessee, That the Surveyor of Marion county, be authorized to correct a survey made on entry No. 818, in the entry taker's office of said county, made in the name of Samuel B. Meade, on the 15th day of October 1828. for one hundred acres, so as to make the survey cover the land intended to be entered, so as to correspond with the entry, and that said Surveyor make out and return a plat and certificate of said re-survey as corrected, upon which the Register of the mountain district shall issue a new grant to the said Samuel B. Meade, in lieu of grant No. 6479, which issued to the said Meade, founded on the same, and bearing date the 14th day of March 1838, and which grant, upon the corrected survey, shall be as correct as if no error had occurred, and relate

back to the entry; *Provided, however*, that the survey hereby authorized, and the grant founded thereon, shall not impair the right or title of any person thereto, otherwise would have done had said first grant corresponded with the entry; *and provided further*, that the said Meade shall pay all the legal fees allowed by law for similar services in other cases.

LANDON C. HAYNES,
Speaker of the House of Representatives,
JOHN F. HENRY,
Speaker of the Senate.

Adopted, January 24, 1850.

NUMBER XXV.

Resolution directory to the Comptroller to audit accounts of Alexander Nelson and A. P. Green.

Whereas, Alexander Nelson, late Register of the Land Office of West Tennessee, and Alexander P. Green, present Register of said office, have claims against the State for the purchase of Record Books for said office, with their individual means, which books necessarily become the property of the State. Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury, be, and he is hereby directed to audit the accounts of said Nelson and Green, and to hear and take testimony as to the justice and correctness of both or either of said claims, and if in his opinion, the same ought to be allowed and paid, that then he issue his warrant for such amount of each of said claims as may be found correct.

LANDON C. HAYNES,
Speaker of the House of Representatives.
JOHN F. HENRY,
Speaker of the Senate.

Adopted, February 9, 1850.

NUMBER XXVI.

Resolution directory to the Comptroller of the Treasury.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury, be instructed to issue his warrant to Wm. B. Hall, Sheriff of Henderson county, for the sum of \$19 41 cents, an amount twice paid into the Treasury of the State, as State tax, once by the Sheriff of Decatur, and once by the said late Sheriff of Henderson.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, January 25, 1850.

NUMBER XXVII.

Resolution authorizing the Nashville Fire Company No. 1, to enlarge the building on the State Bank lot, now occupied by said company as an Engine House.

Resolved by the General Assembly of the State of Tennessee, That the Nashville Fire Company No. 1, be and they are hereby authorized and privileged to erect a building for an Engine House on the State Bank lot in the city of Nashville, said building to occupy twenty five feet front on Cherry street, and extend sixty feet back on the alley, immediately north of the Bank buildings.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, December 8, 1849.

NUMBER XXVIII.

Resolution to purchase Glass for the State House and Lunatic Asylum, in this State.

Resolved by the General Assembly of the State of Tennessee, That the commissioners appointed to superintend the building of the Capitol and Lunatic Asylum, be required to purchase the Glass, that may be necessary for said Capitol and Lunatic Asylum, of the manufacture of the State of Tennessee; Provided, that the same can be procured of equal quality and at a price not exceeding that manufactured abroad.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, November 19, 1849.

NUMBER XXIX.

Resolution for the benefit of Hancock county.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State, be, and he is hereby required to furnish from his office or otherwise, if necessary, a full set of the decisions of the Supreme Court, to the clerk of the Circuit Court of Hancock county, for the use of said county, and that the Comptroller of the Treasury issue his warrant upon the certificate of the Secretary of State for such sum as may be necessary to purchase said reports, or such portion of said reports as cannot be furnished from the office of the Secretary of State.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, October 29, 1849.

NUMBER XXX.

Resolution requiring articles used in State Institutions to be of Tennessee Manufacture.

Resolved by the General Assembly of the State of Tennessee, That for the encouragement of Manufactures of the State of Tennessee, that the several superintendents, agents, &c. of the State; having charge of any Institution over which the State has control, be required, as far as practicable, to purchase for the use of such Institutions, articles of the manufacture of the State of Tennessee; Provided, the same can be purchased upon as good terms and of equal quality of similar articles manufactured abroad.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, December 8, 1849.

NUMBER XXXI.

Resolution authorizing the Secretary of State, to deliver to the clerk of the Commercial and Criminal Court of Memphis, a set of reports.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State, be, and he is hereby authorized to furnish to the Clerk of the Commercial and Criminal Court of Memphis, a set of the reports of the decisions of the Supreme Court, in the same manner that other clerks are furnished.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, December 13, 1849.

NUMBER XXXII.

Resolution directory to the Comptroller to refund to James Stratton, \$53 88.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be directed to issue his warrant to James Stratton, for fifty-three dollars and eighty-eight cents, forfeited commissions paid by him as security for Wm. Rice, as Sheriff of Sumner county, on the taxes due the State for 1843, the State having sustained no loss in collecting the said taxes for 1843.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, January 25, 1850.

NUMBER XXXIII.

Resolved by the General Assembly of the State of Tennessee, That our Senators in the Congress of the United States be, and they are hereby instructed, and our representatives requested, to procure the passage of a law by the said Congress, giving to each non-commissioned officer and private, who served in the war of 1812, and who served in the Florida war, who was honorably discharged from the service of the United States, by reason of expiration of their term of service or otherwise, a land certificate or warrant for one hundred and sixty acres of land, to be at any time located upon any public unappropriated lands, now or that may hereafter come into market.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted, October 25th, 1849.

NUMBER XXXIV.

A Resolution for the relief of George R. Holliman for apprehending Peyton T. Phillips, a fugitive from justice.

WHEREAS, George R. Holliman, a citizen of Jackson county, in this State, at considerable trouble and expense, arrested one Peyton T. Phillips, charged with murder for killing one George W. Clark, a citizen of this State, said Peyton T. Phillips, when arrested, being a fugitive from justice.

Therefore, Resolved by the General Assembly of the State of Tennessee, That the comptroller of the treasury be authorized and required to issue his warrant to the treasurer of this State, in favor of said George R. Holliman, for the sum of twenty-five dollars, as compensation to him for his expense and trouble in arresting said Peyton T. Phillips.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted February 6, 1850.

NUMBER XXXV.

A resolution directory to the Comptroller, in favor of J. V. Gilbert and T. J. Adams for apprehending a fugitive from justice.

Resolved by the General Assembly of the State of Tennessee, That the comptroller of the treasury issue his warrant, in favor of J. V. Gilbert and T. J. Adams, for eighty-seven dollars and forty cents, the amount of expenses incurred in arresting at Clarksville, and safely conveying to McMinnville, Tennessee, W. E. Brown, a fugitive from justice, and the further sum of twelve dollars and sixty cents for eleven days spent in securing said criminal.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted January 9, 1850.

NUMBER XXXVI.

A resolution directory to the Comptroller for the benefit of Wm. C. Dibrell.

Resolved by the General Assembly of the State of Tennessee, That Wm. C. Dibrell be allowed the sum of two hundred dollars, for his services in making the apportionment of the distributive school fund for the years 1848 and 1849, as clerk of the board of common school commissioners for the State, and that the comptroller be authorized to draw his warrant upon the treasury for the same.

Resolved, That hereafter the treasurer of this State shall make the annual apportionment of the school fund of this State, among the scholastic population thereof, without additional compensation.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted January 31, 1850.

NUMBER XXXVII.

WHEREAS, The attention of the people and government of the United States is now being directed to the importance and practicability of constructing a railroad across the continent of North America, as a means of making the United States the great highway between Europe and the populous and wealthy Empires of Asia, of facilitating our own intercourse with those regions, of connecting and binding California and the Pacific coast to our Union, of developing our great agricultural, manufacturing and commercial interest; and, *Whereas,* This stupendous work, if accomplished by the aid of the General Government, ought to be so constructed as to confer its inestimable benefits as equally as possible, upon the people of the United States, and to consolidate the union of these States as well as that of the States with the Western Territories, by making it the means of a more intimate and lasting connexion of the North and South, rendering the interest of each dependant upon, and tributary to, this magnificent thoroughfare of the commerce of the world, in a word, to be national, and a proper ob-

ject of national aid and encouragement, it should be central, if practicable: Therefore,

Resolved by the General Assembly of the State of Tennessee, That Congress ought not to lend its aid and sanction to so important an undertaking, which will affect for all time such vast interests, and be productive of the most stupendous results, until proper information shall have been obtained as to the several routes which have been proposed, and their comparative advantages, and claims, more distinctly ascertained.

Resolved, That, should Congress at any time enter upon, or appropriate money or land to the construction of such road, centrality ought to be an important consideration in the selection of a route.

Resolved; That the resolutions of the General Assembly of this State, passed December 1st, 1847, be, and they are hereby rescinded.

Resolved, That his Excellency the Governor, be, and he is hereby requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

Resolved, That it is the sense of this General Assembly, that our Senators and Representatives in Congress should be left free to act upon their best judgment and information consistently with the sentiments expressed in the preamble to these resolutions.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted February 9, 1850.

NUMBER XXXVIII.

Resolutions relative to James K. Polk, late President of the United States

1. *Resolved by the General Assembly of the State of Tennessee,* That the members of the Senate and House, having heard of the death of James K. Polk, late Governor of Tennessee and President of the U. States, with profound sorrow, regard this as a proper occasion to declare that his eminent virtues as a private citizen, and his distinguished services as a public servant, have adorned each station that he has occupied, and largely contributed to the honorable fame of our State and nation.

2. *Resolved*, That a joint select committee be appointed to select some person to deliver a eulogy on the life and character of Mr. Polk, on the last Thursday in October.

3. *Resolved*, That the city authorities be invited to participate in the ceremonies of the occasion, and that the clerks of the Senate and House be instructed to furnish said authorities with a copy of these resolutions.

4. *Resolved*, That a committee of arrangements, consisting of five members of the House and three of the Senate be appointed to select a place for the delivery of said eulogy.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted October 10, 1849.

NUMBER XXXIX.

Resolution instructing our Senators and requesting our Representatives in Congress.

WHEREAS, We are of opinion that agriculture constitutes one of the most important interests of our country; And whereas, We believe that that interest has been very greatly neglected, not only by the Legislatures of the different States, but by the Congress of the United States; And whereas, We believe it is now full time that energetic action should be taken by Congress, and the various State Legislatures on that subject. Therefore,

Resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to procure the establishment of a Bureau in the Department of the Interior, to take in charge the Agricultural interests of the country.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted December 8, 1849.

NUMBER XL.

A resolution directory to the Comptroller in favor of the public printers.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller issue his warrant to the Treasurer in favor of the public printers for four thousand dollars, on account of the printing of the Acts and Journals of the present General Assembly.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted December 31, 1849.

NUMBER XLI.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller issue his warrant to B. H. Sheppard, late comptroller of the treasury, for the sum of one hundred and twenty dollars, it being the amount paid by him for clerk hire from 7th June to 7th October, 1849, in the comptroller's office.

LONDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted February 9, 1850.

NUMBER XLII.

Resolution for the relief of the securities of John J. Hinton.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury is authorized and directed to give to the securities of John J. Hinton, collector of the State tax for the year 1847, indulgence in equal instalments of one and two years, on the balance of a judgment rendered against them in the circuit court of Davidson county, on the 4th October, 1848, for five thousand two hundred and seven dol-

lars and ninety-eight cents; *Provided*, That the said judgment, during said indulgence, shall remain open and continue to hold its legal lien on the property of said securities; and provided also, that said Comptroller shall consider that said judgment is so secured that the State will lose nothing by such indulgence.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted January 31, 1850.

NUMBER XLIII.

Resolved by the General Assembly of the State of Tennessee, That in addition to the present number of commissioners appointed to superintend the erection of the State Hospital for the insane in Tennessee, that the Governor of the State is hereby authorized to appoint two more from the county of Davidson, so as to enable the commissioners to have a quorum at any time required.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted

1850.

NUMBER XLIV.

Resolution for the benefit of Abram Greer.

Resolved by the General Assembly of the State of Tennessee, That the comptroller of the treasury audit the account, and cause to be paid to Abram Greer, the sum of one hundred and twenty-nine dollars and twenty cents, for thirty-eight cords of wood delivered for the use of the present Legislature.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted December 22, 1849.

NUMBER XLV.

Resolution requesting the Governor to appoint delegates to the Railroad Convention at Memphis.

Resolved, That his excellency the Governor, be requested to appoint such a number of delegates to the Railroad Convention, about to assemble at Memphis, as he may think proper; *Provided*, That the delegates appointed by the Governor shall not be paid any thing for their services from the State Treasury.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted October 11, 1849.

NUMBER XLVI.

Resolution to pay John W. Burton for rendering services as agent, &c.

Resolved, That the Treasurer of the State pay to John W. Burton one hundred and seventy-five dollars, his services as agent in examining into the condition of for the Cumberland and Stone's River Turnpike Company.

Resolved, That the Attorney General of the State be and he is hereby directed to institute suit or suits against said Cumberland and Stone's River Turnpike Company, or against any of the former officers or agents of said company.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Adopted February 1, 1850.

NUMBER XLVII.

A resolution requiring the Acts and Journals of the General Assembly to be printed for distribution.

Resolved by the General Assembly of the State of Tennessee, That there be printed of the Acts of the present session of the Legislature for distribution; one copy for each justice of the peace; one copy for each sheriff, circuit court clerk, county court clerk, county surveyor, register, ranger, county trustee, entry taker and coroner; and that there be printed for distribution one copy of the Journals of each branch of the Legislature for each civil district, as follows:

COUNTIES.		COUNTIES.	
	No. of Acts.		No. of Acts.
	No. of Journals of each Ho.		No. of Journals of each Ho.
Anderson,	32	Grainger,	41
Bledsoe,	33	Green,	54
Blount,	46	Giles,	48
Bradley,	36	Gibson,	46
Bedford,	50	Grundy,	30
Benton,	30	Hamilton,	36
Campbell,	36	Hancock,	29
Carter,	30	Hawkins,	40
Claiborne,	32	Hickman,	36
Cocke,	32	Humphreys,	32
Cannon,	34	Haywood,	38
Coffee,	32	Hardeman,	44
Carroll,	48	Hardin,	36
Davidson,	70	Henderson,	45
Dickson,	32	Henry,	43
Decatur,	34	Jefferson,	43
De Kalb,	40	Johnson,	26
Dyer,	39	Jackson,	49
Fentress,	28	Knox,	46
Franklin,	38	Lincoln,	64
Fayette,	43	Lawrence,	38

COUNTIES.	No. of Acts. No. of Journals of each Ho.		COUNTIES.	No. of Acts. No. of Journals of each Ho.	
	No. of Acts.	No. of Journals of each Ho.		No. of Acts.	No. of Journals of each Ho.
Lewis,.....	34	12	Rutherford,.....	62	25
Lauderdale,.....	29	12	Robertson,.....	41	15
Marion,.....	36	13	Scott,.....	7	3
McMinn,.....	46	17	Sevier,.....	35	10
Meigs,.....	27	8	Sullivan,.....	40	15
Monroe,.....	50	18	Smith,.....	56	32
Morgan,.....	27	8	Sumner,.....	50	19
Macon,.....	32	10	Stewart,.....	35	12
Marshall,.....	43	15	Shelby,.....	45	16
Maury,.....	62	24	Tipton,.....	35	12
Montgomery,.....	45	15	Union,.....	6	3
Madison,.....	40	17	Van Buren,.....	29	9
McNairy,.....	37	13	Washington,.....	47	18
Overton,.....	35	12	White,.....	41	16
Obion,.....	39	14	Wilson,.....	64	25
Polk,.....	28	8	Williamson,.....	58	24
Perry,.....	38	12	Wayne,.....	37	13
Rhea,.....	27	8	Warren,.....	43	16
Roane,.....	41	15	Weakly,.....	6	3

For each member of the Senate and of the House of Representatives, one copy of the Acts and one copy of the Journals of each House,	100	100
For each Clerk of the Senate and House, one copy of the Acts and one copy of each Journal.	6	6
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For each attorney general, one copy of the Acts,	15	

For treasurer and comptroller, one copy of the Acts, each,	2
For each university and college, one copy of the Acts,	15
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LONDON C. HAYNES.

Speaker of the House of Representatives.

JOHN F. HENRY.

Speaker of the Senate.

Passed February 1, 1850.

SECRETARY OF STATE'S OFFICE, }
Nashville, April 5, 1850. }

I have carefully collated the foregoing Acts and Resolutions with the originals on file in my office, and find them correct copies.

W. B. A. RAMSEY,
Secretary of State.

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